

# MARYLAND HISTORICAL MAGAZINE

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## TRANSPORTATION OF FELONS TO THE COLONIES.

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The social and economic effect of convict transportation to the American colonies has not been studied, or at least has so far not been published. The following transcripts will show that the business of transportation was a large and profitable one to the contractors and that it was in effect from an early period and was continued up to the time of the Revolution. The attempt of the Maryland Assembly to restrict or regulate this traffic failed because it was duly authorized by Act of Parliament, and the most that local legislation accomplished was the imposition of a tax per poll on imported felons.

It was provided by Chapter 3 of 18 and 19 Charles II (1666), that "the Benefit of Clergy shall be taken away from greate knowne Thieves . . . [and] it shall be lawful to transport said offenders into any of His Majesty's Dominions, there to remaine and not to returne."

Certain abuses having sprung up in relation to the importation and disposal of convicts, the Assembly by Chapter 23, Acts of Oct. 1728 provided regulations for recording the offences and the time of servitude, etc. (Archives, 36, p. 298) and this was supplemented by Chapter 22 of 1769 requiring shipmasters to bring a transcript of the conviction of felons, to be delivered to consignee with the convict.

Many interesting references to this subject may be found in Gov. Sharpe's correspondence (Archives, 6, p. 295, 300, 328, 330, 422 and 539). In the Act granting £6,000 for His Majesty's Service, i. e., for the defence of the Province, a duty of 20 shillings per poll was imposed on every convict that is imported and sold as a servant for seven years. (This is not to be confused with the duties imposed on *indentured* servants and negroes.) Sharpe wrote: "I find Mr. Steuart who contracts for the transportation of con-

victs from London is endeavoring to get the Law that we passed last Summer repealed because it imposed a duty of 20 shillings on every convict that shall be imported into the Province." And again, "I am sorry to find that Mr. Steuart still persists in his clamour against the act made in July, 1754 that imposes a duty on servants."

Further light is thrown on the business in the Journals of the House of Commons, A 1779, 19 Geo. III, pages 310-11, where the subject was under investigation:

Your Committee next proceeded to take into their Consideration, the several Acts relating to the Transportation of Offenders to Foreign Parts.

And it appeared by the Act of the Eighteenth Year of the Reign of King *Charles* the Second, that Persons convicted of certain Offences therein described, were made liable to be transported into any of His Majesty's Dominions in *America*, there to remain and not to return; and by the Acts of the Twenty-second and of the Twenty-second and Twenty-third Years of the same Reign, certain other Offenders were made liable to be transported into any of his Majesty's Plantations beyond the Seas, for the Term of Seven Years.

It also appeared by the Act of the Fourth Year of the Reign of King *George* the First, that Persons convicted of Offences within the Benefit of Clergy, were liable to be sent into any of his Majesty's Dominions in *America*, for the Term of Seven Years; and Persons convicted of Capital Offences, and to whom his majesty should be pleased to extend his Royal Mercy, and also Receivers of stolen Goods, might be transported for Fourteen Years; and Persons contracting for their Transportation, should have a Property in their Service.

And by the subsequent Acts of the Sixth Year of the Reign of King *George* the First, and the Sixteenth and Twentieth Years of the Reign of King *George* the Second, the Regulations in the said Act of the Fourth Year of the Reign of King *George* the First, were explained and enforced.

Upon this Head your Committee called *Duncan Campbell*, Esquire; who said he had been concerned Twenty Years in

contracting for Felons sentenced to Transportation; Five Pounds *per Man* were allowed by Government till the last Three Years, when, in Consequence of a Competition for the Contract, he agreed to take them without any Profit but that which accrued to him by disposing of their Servitude in the Colonies; that many Convicts who had Money bought off their Servitude, and their Punishment was only Banishment for the Term prescribed; he carried them only to the Provinces of *Maryland* and *Virginia*, and sold common Male Convicts, not Artificers, on an Average, for 10 Pounds apiece, Females at about Eight or Nine Pounds; those who were of useful Trades, such as Carpenters and Blacksmiths, from Fifteen to Twenty-five Pounds; the old and infirm he used to dispose of to those humane People who chose to take them, but with some he was obliged to give Premiums.

Being asked, Whether they could be disposed of in any other Colonies? he said, He apprehended not in any considerable Number, which was the Reason he declined contracting for them upon the Revolt of the Colonies of *Virginia* and *Maryland*; that he imagined about One hundred might be disposed of Annually in *Georgia*, and upon the Frontiers of *Florida*, but did not think any could in *Canada*; that he transported, on an Average of Seven Years, 473 Convicts Annually; that he carried from One to Two hundred Persons in a Ship; that the ordinary Passage was about Two Months, during which Time, and in the Gaol, where they were confined frequently Two Months before their Embarkation, rather more than a Seventh Part of the Felons died, many of the Gaol Fever, but more of the Small Pox. He observed, that the Number of Women who died were only Half in Proportion to the Men, which he imputed to their Constitutions being less impaired, and to their Sobriety.

Journals of the House of Commons.

A 1779. 19 Geo. 111.

Pages 310, 311

The transcript from uncalendared Treasury Papers was secured

by the late Richard D. Fisher. The memoranda from the Maryland Gazette, Annapolis, while only fragmentary, will serve to give some idea of the volume of the traffic.

[Editor.]

MEMORIAL OF DUNCAN CAMPBELL IN BEHALF OF HIMSELF &  
THE FAMILY OF MR. STUART, LATE CONTRACTORS FOR  
TRANSPORTING FELONS

*To The Right Honorable the Lords Commissioners of  
His Majesty's Treasury.*

The humble Memorial of Duncan Campbell of London Merchant in behalf of himself and the Children of John Stewart late of London Merchant.

*Humbly Sheweth*

That your memorialist and John Stewart were jointly concerned in the carrying into execution the Contract made between your Lordships and the said John Stewart for transporting of Felons from London, Middlesex, Bucks and the five Counties of the Home Circuit.

That in order to carry it on more effectually and to the satisfaction of the Public they were under the necessity of building Ships of a particular and commodious construction and that they have now sunk in such Ships a Capital of at least £6000.

That the Contract requires Ships being sent at such Seasons of the year that Cargoes must be provided for them in America before they arrive there, otherwise it would be very difficult, sometimes impossible to obtain a homeward loading without letting the Ships lye in the Country many Months to the great loss of your Memorialists.

That to avoid the danger of such loss and delay your Memorialists have given general directions to their Agents in Virginia and Maryland to provide Tobacco's for their Ships early in the Spring of the Year

That the Felons now in the several jails under sentence of transportation were destined to go in a Ship now fitting out,

to Maryland for which your Memorialist's Agent has made provision in that Country.

That by a Letter from his agent in Virginia received within these three days your Memorialist is advised that there will be a further Provision of Five hundred hogsheads of Tobacco before April for the second Ship which usually sails with Transports from hence in the Month of July next.

That orders being given also to provide a Cargo for the third Ship which sails from hence with Convicts in October, or November, the purchase for her will likewise be made before a Letter can reach the Agents of your Memorialist to stop the same.

That Bills for the above Purchases will be drawn upon your Memorialist, some of which have already appeared and that they will be very greatly hurt in their Circumstances should they be obliged to send out Ships light freighted to bring home their investments which are connected with and may properly be deemed a part of the Business under the Public Contract.

That as your Memorialist for many Years executed the Contract without complaint and to the entire satisfaction of the Public he prays it may be continued in the Name of the said Duncan Campbell untill the Month of December.

Duncan Campbell

Tower hill  
24 feb<sup>ry</sup> 1772  
(Endorsed)

Francis Greig Rec<sup>d</sup> Tuesday 25 feb<sup>ry</sup> Even Mentioning the Lords of Treasury having Consented to My Mem<sup>l</sup> which Information he had from Mr. Cooper one of the Secretaries— Rec<sup>d</sup> from Mr. Campbell JR

Mr. Greg presents his best Compliments to Mr. Campbell—the Lords consented to the Petition to the first day of Sept<sup>r</sup> next—

Skinner's Hall  
Tuesday  $\frac{1}{2}$  past 2—

(Addressed)

To

Duncan Campbell Esqr  
Black Raven Court  
Seething Lane

(Endorsed)

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MEMORIAL OF CAMPBELL REPRESENTATIVE OF JOHN STEWART  
ESQ<sup>R</sup> DECEASED LATE CONTRACTOR FOR TRANSPORTING  
FELONS

*To The Right Honorable the Lords Commissioners of his  
Majesty's Treasury*

The Memorial of —— Campbell Representative of John Stewart deceased late Contractor for transporting felons

*Sheweth*

That he hath shipped on board the Thornton John Kid Master One hundred and Seventy three Felons taken out of the several Gaols mentioned in the Contracts of the late Mr. Stewart; and under the Provisions specified in the said Contracts for their effectual transportation. That by the said Contract the sum of Five pounds by the head is allowed for the expence of transporting the Convicts.

Your Lordships Memorialists therefore  
prays an Order for the payment of the  
said Allowance; amounting to the sum  
of Eight hundred and Sixty five pounds

(Endorsed)

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28 July 1772. Mr. Duncan Campbell respects his Claim of £5 p head for Convicts transported since Mr. Stewart's death.

Sir

As I was just setting off for Gravesend in order to dispatch a ship with Transports when I had the honour of receiving your Letter & and did not return till this day, I flatter myself the Service I was upon will be admitted as an excuse for my delaying the Answering it till now. You are pleased to desire I should Acquaint you for the Information of my Lords Commissioners of his Majesty's Treasury upon what Ground I claim the five Pounds by the head for Convicts Transported by me since Mr. Stewarts death.

I beg to favour that you will be pleased to inform their Lordships that the greatest part of the Convicts for which the demand is now made was in Gaol at the time my Partner Mr. Stewart died & which Agreeable to the Contract with their Lordships were immediately to be taken away, for which service I had a Ship lying ready.

Immediately on Mr. Stewarts death which happened about the 20th Feby I did apply to their Lordships by Memoriall to which I beg leave to refer praying that the Contract might be continued to me till the 1st of December I had likewise the honour of a Conversation with some of their Lordships & was led to believe therefrom that as it was necessary this publick business should be carried on & that however the Contract might be afterwards disposed of I should be paid the five pounds p head for such fellons as I transported in the meantime. I have understood that it has been a Custom with the Board of Treasury that when a New Contract has been made even on a different footing from the Old one, that Six months has been given to wind up the Arrangements necessarily made for carrying on the publick business, & was informed that their Lordships had upon these principles granted the prayer of my Memoriall to the 1st of September. Upon these grounds Sir I found my Claim of the five pounds by the head and I humbly hope their Lordships will not think them unjust or unreasonable I am

unacquainted with any alteration proposed by the Several Courts during the period in Question and therefore I will not presume to say anything on what may have passed between My Lords & them

I am  
Sir  
Your Most Obedient &  
Most humble Servant  
Duncan Campbell

Seething Lane 28th July 1772  
John Robinson Esqr

(Endorsed)

Rec'd 29 July 1772 JR

Mem<sup>dm</sup> to see Mr. Campbell & talk with him on this Bus<sup>s</sup> before it comes again before the Board—JR

Saw him thereon—

Read 3<sup>d</sup> Nov<sup>r</sup> 1772—& ye Several Certificates produced—

Lre M<sup>r</sup> Campbell

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ADVERTISEMENTS FROM THE MARYLAND GAZETTE

1756. April 27. Yesterday arrived here from London, the Ship *Greyhound*, Capt. Alexander Stewart, after a passage of nine weeks, with about Ninety of the King's *Seven Years Passengers*.

1756. September 2. Last Monday arrived here, the ship *Lyon*, Capt. James Dyer, after a long passage from London, with 91 of His Majesty's *Seven Year Passengers*.

1756. September 6. Arrived here from Bristol, after a passage of ten weeks the ship *Frisby*, Capt. George Davie, who has brought in Eighty passengers, sent in for the term of *Seven Years* on account of their *Ingenuity*.

1756. December 30. Last Tuesday arrived here from Bristol, Capt. John Cole in the Snow *Eugene*. Captain Cole has brought in Sixty-eight of His Majesty's *Seven Years Passengers*, who had too much Ingenuity to be suffer'd to live in England.

1757. June 16. Since our last, arrived here the Snow *Trail*, Capt. Mills, from London, with upwards of seventy of His Majesty's *Seven Years Passengers*.

1758. June 29. Last week arrived here from *Bristol*, the Snow *Eugene*, Capt. Jonathan Tallimay, with 69 of His Majesty's *Seven Year Passengers*, 51 men, and 18 women.

1757. July 7. Friday last arrived here the Ship *Frisby*, Capt. George Davie, from *Bristol*, with Seventy odd of his Majesty's *Seven Years Passengers*, and a few indented servants.

1757. July 21. Last Thursday arrived here from London, the ship *Thomas and Sarah*, Capt. William Holmes, with upwards of Fifty of the King's Passengers of the *old Sort*, sent into the American Plantations on Account of their *Ingenuity*.

1757. December 8. Saturday last arrived here the ship *Thetis*, Capt. Matthew Craymer, from London, with 128 of His Majesty's Seven Year Passengers. Her former Commander, James Edmunds, and 28 of the Transports, died on the passage.  
The same day arrived here, Capt. Andrews, in the ship *Betsy*, with 45 Passengers of the *same Sort*, from Bristol.

1759. July 26. This day, arrived here with Convicts, the ship *Atlas*, Capt. Cole, from Bristol, which he left the 16th day of May.

1760. January 17. Monday last arrived here the ship *Betsy*, Capt. John Andrews, from Bristol. He has brought about Fifty of His Majesty's *Seven Year Passengers*.

1761. August 6. We have a certain account, that the ship *Atlas*, Captain Brailey, from Bristol, with Convicts for this Province, is taken by a French privateer and carried into Bayonne.

1761. December 10. Sunday last arrived here, the brigantine *Betsy*, Capt Andrews, in nine weeks from Bristol, with about 50 of His Majesty's *Seven Year Passengers*.

1762. January 14. Yesterday arrived here from London, the Snow *Maryland-Packet*, Capt. Alexander Ramsay. She has imported upwards of Seventy of his Majesty's *Seven Year Passengers*.

1762. November 18. Last Monday arrived here from Bristol, the Ship *Betsey*, Capt. Nicholas Andrew, with 79 *Passengers of Note* who are destined to tarry in His Majesty's American Plantations for the term of seven years.

1764. August 23. Monday last arrived here from *Bristol*, the *Albion*, Capt. Thomas Spencer, after a long passage, with about 100 Passengers, sent in by His Majesty, to tarry in his American Colonies for the Term of seven Years. It seems they were very loth to leave their Native Country, and endeavoured, soon after sailing, to conquer the Ship's Company, and take the Vessel under their own command; but after the Company's Firing among them, and crippling some, they were subdued.

1764. October 25. Last Thursday arrived here the Brig *Colin*, Capt. James Brown, from London, with Forty odd Indented Servants, who on the passage . . . were very refractory, and attempted to make themselves Masters of the Vessel; but after bleeding a few of them the rest submitted.

1767. July 16. "Sat. last, arrived here, the Ship *Thornton*, Capt. Reed, from London, with One Hundred and Fifty-two of his Majesty's Seven Years Passengers. Same date. Balto-Town, June 29, 1767. "Just

Imported, in the Blessing's Success, Capt. James Morrison, from London, and to be disposed of on board the said Vessel laying in the North West Branch of Patapsco River on Friday the Third Instant."

"A Parcel of healthy country servants, for seven years; amongst which are many valuable Tradesmen."

1767. July 30. "Monday last arrived here, from London the Ship Jenny, Capt. William Hamilton with twenty Indented Servants."

"The same day arrived here, from Bristol, the Ship Isabella, Capt. Samuel Nicholson, with six convicts, and Fifty-seven Indented Servants. And

On Tuesday last arrived here, from Dublin, the Brigantine Achsah, Capt. Septimus Noel, with Fifty-seven indented Servants."

1768. June 30. Sale of Seven-year Servants, imported in the Ship Thornton, Capt. Christopher Read."

1768. August 4. "By Capt. Nicholson, of the Ship Isabella, lately arrived here, in Twelve Weeks, from Bristol, with Eighty odd Servants on board, . . ."

1768. September 8. "The Seven Years Servants, just imported from London, in the Tryal, Capt. McDougal, will be sold, at Alexandria, on Tuesday the 13th instant. There are among them, several Tradesmen, and Farmers. Credit will be allowed, giving Bond and Security to Russell & Hodge."

1768. November 24. "Just imported from London, in the Ship Jenifer, Capt. Kerr, and to be sold by the subscribers, in Baltimore-Town, a parcel of healthy indented Servants amongst which are many Tradesmen. For terms, apply to James & Robert Christie."

1768. November 24. "Just imported from Bristol, in the Ship Randolph, Capt. John Weber Price, One Hundred and Fifteen Convicts, men, women, and lads:

Among whom are several Tradesmen, who are to be sold on board the said Ship, now in Annapolis Dock, this Day, Tomorrow, and Saturday next, by Smyth & Sudler."

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### SOME RECOLLECTIONS OF APRIL 19, 1861.\*

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[This is the work of the late Edward Ayrault Robinson, who died 28 February, 1900, aged 63 years, eldest son of William C. Robinson.]

The day was a dark and misty one, and it rained some during the morning. The first intimation I had of the riot was seeing crowds running through Pratt St., near Light. Just as I got down there Wash. Goodrich a notorious ruffian, heading the mob with the confederate flag flying. The troops had passed on up the street towards the B & O depot; occasionally they would turn on the hooting yelling mob that was following and stoning them, and give them a volley. At each firing there would be a rush backwards of the mob, and several times I saw men fall as if shot. A friend of mine in entire sympathy with the soldiers, got upon a barrel head and was cheering them on, but his actions were mistaken and he was fired on; he said he looked towards the soldiers and saw one of them taking deliberate aim at him. He dropped on his knees and a minnie ball flattened itself on the wall behind him just at the height his head would have been.

At the corner of Pratt & South St. there was an empty freight car of which the mob took possession, and fired on the troops as they passed by. Two of this gang were killed, and I saw the car the next day, riddled with bullets. Three men were standing in the door of my fathers warehouse which was

\* From a typescript in the possession of Antonio J. Esposito, Portland, Maine.

half a block below where the freight car was, they were one behind the other looking up the street at the firing, when a minnie ball fired at the mob by one of the soldiers, struck the first man in the breast passing through him, and through the arm of the next man, and wounding the third one on the chin. The first one shot staggered into the office and died without a groan. Three friends of mine were cheering the troops from a second story window on the corner of Pratt & South St, the soldiers mistaking their cheers for encouragement to the mob gave them a volley, and their escape from death was miraculous. The minnie balls crashed through the glass, and frames of the window, and one ball entered the back of a case of drawers and passed entirely through a canister filled with ducking powder. Of course the excitement all over the city ran very high, and there were many collisions between citizens. My father who was a staunch unionist was attacked by a low scotchman, but scotchy found he had caught a tartar and was glad to retreat at full run.

At this time I was second sergeant of company A. 5th. Reg. Maryland Guard, a volunteer organization of 700 men., and composed of the best element in the city. Hearing the mob howling for arms, and fearing they would make a break for our armory where we had 900 splendid Springfield Rifles I went up that way. The armory was in the fourth story of a building on the corner of Baltimore & Calvert Sts., and I found the lower doors of the building closed. About fifteen members of the regiment were standing around and after consultation we forced an entrance to the armory building through a side door, having resolved to make a fight to keep our arms. We had hardly gotten in and closed the entrance before a rush was made by the mob for the large doors on Baltimore St. In the absence of any commissioned officer Col. Harry Gilmor who was orderly sergeant of Co. A. took command, and ordered ten men to go up into the armory put on their uniforms, and come back at once with fixed bayonets. The remaining men he armed with chair legs breaking up four or five old chairs to get

them. I was with this party, and we stationed ourselves across the steps about half way up to keep back the ruffians, who were steadily, and surely breaking open the large doors. All at once the doors gave way and on they came like an avalanche, but they were met by our clubs and fists and feet. We soon had the steps blocked with fellows we had knocked down, and felt relieved when we heard the tramp, tramp of the men coming down the steps. We retreated behind them, and the sight of cold steel being too much for the mob they retired to the sidewalk to curse and howl.

We had a signal flag prepared some time before this that was to be used to call the regiment together, this was put out of the window and in one hour we had over five hundred men under arms. We were ordered out to clear the street, each man being supplied with ten rounds of ball cartridges. The mob dispersed as soon as we marched out, and we had no further trouble from them. We were marched out Calvert St. to the old City Spring, and stayed there until daylight the next morning, when we were ordered back to the armory, and supplied with hot coffee. I heard many threats made about burning bridges on the Northern Central and Philadelphia & Wilmington Rail Roads, but there were no orders given to that effect until Sunday morning. On saturday about twelve oclock the excitement ran very high among the soldiers, and many threats were made against the union men in the regiment. We the union men had a consultation in the officers meeting room, and thirteen of us agreed to leave the regiment for the following reasons. First being unionists we thought the troops had a right to pass through Maryland on their way to defend our nations capital, and second being unionists we would not engage in burning bridges for the purpose of stopping the troops. There were many more union men in the regiment, but they were afraid to express their sentiments.

When our determination became known there was considerable commotion among the men, and we were ordered to come into the armory. We asked the senior officer in the absence of

the Colonel to give us an honorable discharge, as we could not conscientiously remain. This was positively refused us, we were told we could go if we pleased, but could get no honorable discharge. We left in a body and as we went down stairs, were saluted with curses, groans tobacco quids, and spit, spittoons, and a hod full of coal was emptied on our heads, followed by the scuttle. Fortunately we all got out without any cut heads. I would say that not all of our old comrades treated us in this shameful way for several grasped my hand to say good bye with tears rolling down their cheeks, and many said they hoped we would come back. Unfortunately several did go back, they could not stand the pressure brought to bear on them by their lady friends, and others. As illustrating the bitter feelings engendered by the doings at this time, I will say that on my way home from the armory I met a white haired old lady who was looked upon as one of the most religious women in the city. She asked me where I was going, and we had some conversation about the state of affairs. She condoled with the poor soldiers that were shot, and condemned the riotous proceedings. Two weeks afterwards she seemed turned into a very demon, and among other of her kind the christian remarks made about unionists, and Yankees, was that every yankee ought to have his heart cut out with a butcher knife. It seems hardly credible that a refined christian woman could say such a thing, or that her very nature should become changed in so short a time, nevertheless what I have stated about her is strictly true. Sunday the 21st. was a day of great excitement, for just at church time, 11 O'clock it was rumored that a regiment of Pennsylvania soldiers were marching upon the city by way of the York road. The citizens appeared insance at this news, and many armed themselves with shot guns, and rifles and started out on the road to meet the troops, some on foot and other in vehicles, those in the latter after proceeding some miles into the country, and not meeting any regiment, returned, and turned back the rabble that was proceeding on foot. This news came in just after the churches had assembled their congregations, and the ministers all gave

out from their pulpits the news of the invasion, and dismissed their hearers.

In the afternoon a public meeting was called in Monument square, and was attended by probably 20000 people most of whom were armed, and it was amusing to see the variety of arms they carried. There were flint lock muskets, and fowling pieces that had probably lain for years in some garrett, all kinds of ducking guns, rifles of all descriptions, horse pistols, great variety of revolvers, and single barrel pistols, swords, bayonets, and daggers. I not being in sympathy with the object of the meeting, which was to fire the southern heart, and instill courage enough into the boys to make them fight the terrible regiment that was coming, kept in the background, and took in all I could with my eyes and ears.

On the afternoon of the 20th. the confederate flag was thrown to the breeze from Taylors building on Fayette St., and the excitement ran very high, I was with several union men at the corner of Calvert & Fayette St. when we were recognized by some of our acquaintances, and a rush made for us with cries of "hang them! hang them!" We scattered, and got away as best we could. I ran into Barnums Hotel by the Calvert St. door, and out of the Fayette St. door and went home. Two of those who were with us did not fare so well, as they were caught and beaten and their clothes torn off them.

On Monday the 22nd. the country troops began pouring into the city from Towsontown, Easton, Reisterstown and Howard County. The streets were alive with military, and the fife and drum were heard in every street. The military got drunk and behaved very badly, and finally became so unmanageable that orders were given to form a rendezvous at Calvert Station. The various companies were marched out there and kept in by a strong guard. They amused themselves by firing their muskets loaded with minnie balls through the roof of the depot many of which fell in peoples yards, and from which there were many narrow escapes from death. I saw one regiment of city roughs, armed with new muskets, march by Barnums hotel. They were an awful set to look upon, nine tenths of them were drunk, and

having no idea of disciplin, and even the rebels that recruited them were in perfect terror of them. If they had not all been put into Calvert Station and quietly disarmed there is no telling what excesses they would have been guilty of. From this until the 13th. of May the rebels had it all their own way, and no U. S. flag was seen flying any where. The people were divided politically and socially, life long friends passing each other without speaking. Families were broken up, and even men and their wives quarrelled over the question of the day. I was cut in the street evry day by my lady friends, and cursed by the men.

On the night of the 13th of May during a most frightful thunder storm Gen. Ben. Butler marched into the city and took possession of Federal Hill. Early in the morning he put a detatchment of troops into Monument Square with several pieces of artillery. I shall never forget my feelings when on entering the square on the morning of the 15th., and saw the blue coats, and that dear old flag; I never knew until then how I loved it. I felt as though I could hug those soldiers, and I just stood and gazed on those stars and stripes with head uncovered, and the tears chasing each other down my cheeks. I felt as though the day of salvation had come at last. By noon that day the city was alive with flags many putting them out through fear, particularly those who had been flying the confederate flag. In a few days after Gen. Butler's entry there was a great change in the city, the Union men began to assert themselves, and it was soon found that there was a very large proportion of our citizens who were unionists. About this time I was offered and accepted a first lieutenant's position in a skeleton regiment, and was given power to open a recruiting office which I did on the corner of Pratt & Fremont st. I was quite successful, and soon had 65 men recruited, 32 of whom had served in the regular army in Florida, and had recently been discharged. When my company was ready to go the front our Captain offered us to the Government but they would not accept any three months men from Maryland, and we had to disband. They were afraid that having been armed they would desert to the South.

## THE INFLUENCE OF LUTHER MARTIN IN THE MAKING OF THE CONSTITUTION OF THE UNITED STATES.

EVERETT D. OBERECHT, M. A.  
*Instructor of History, Coe College.*

(Continued from Vol. XXVII, p. 190.)

In an effort to strip the states of some of their sovereignty, the Nationalists suggested that Congress should have the power to disallow all state laws. Considering this intolerable, Martin reminded the convention that that had been one of their criticisms of the English system before the war, centralized power in the hands of the King who had the right of veto.<sup>63</sup> Finally, by way of compromise, he moved "That the legislative acts of the United States, made by virtue and in pursuance of the Articles of Union, and all treaties made and ratified under the authority of the United States, shall be the supreme law of the respective states, as far as those acts or treaties shall relate to the said states or their citizens and inhabitants, and that the judiciaries of the several states shall be bound thereby in their decisions, anything in the respective laws of the individual states to the contrary notwithstanding."<sup>64</sup> Slightly modified, this clause was eventually incorporated in the Constitution. At first, one might think that he was attempting to give Congress strong power, but in reality he was merely trying to give it less obnoxious power than previously advocated.

During the debates pertaining to the power of the executive, Luther Martin again found that federalism was to be sacrificed on the altar of nationalism. When he moved that the executive be chosen by electors appointed by the state legislatures, his motion was defeated.<sup>65</sup> When it was suggested, however, that

<sup>63</sup> Madison, "Journal," Farrand, *Records*, II, 27.

<sup>64</sup> July 17. Madison, "Debates," Elliot, *Debates*, V, 322.

<sup>65</sup> Madison, *Debates*, p. 270.

the executive should be chosen by the national legislature, voting jointly, the small states were frightened and unanimously expressed their opposition. Although the convention did not specifically provide for the choice of the electors by the state legislatures, it is true that this was the customary practice for many years after the new government was placed in operation.<sup>66</sup> But Martin's bitterest criticism of the executive was that he was given too much power. In reality he was to be a king, given the power of nomination which is in reality the power of appointment. With civil and military officers under his control, he could not be impeached and would not be responsible to anyone. With all the patronage at his disposal, he could easily secure a reelection, and would thus become an elective despot.<sup>67</sup> Therefore, Martin suggested that the president be declared ineligible for reelection, but failed three times in this endeavor.<sup>68</sup> He also hurled powerful invectives against the granting to the president the right of veto. Arguing that there was no need for this, since the two houses were so checked as to prevent rash or hasty legislation, he attempted to keep the executive power out of legislation. Being given the precedent of the English king, he later wrote that they were "eternally troubled with arguments and precedents of the British government," he pointed out that sovereignty in America did not rest in the president, as it did in the king, but in the legislature.<sup>69</sup> But he failed, for the president was given a limited veto.

Turning to the judiciary, he struggled in vain for the appointment of the judges by the upper house, since they would represent the states and "be best informed of characters and most capable of making a fit choice."<sup>70</sup> As a final plea, he decried the plan of the nationalists whereby the judges would be nominated by the executive. Maintaining that points as to the constitutionality of laws would come before them in their proper

<sup>66</sup> Warren, *op. cit.*, pp. 523, 524.

<sup>67</sup> Martin, "Genuine Information," Elliot, *Debates*, I, pp. 378-380.

<sup>68</sup> Madison, "Debates," Elliot, *Debates*, V, pp. 334, 338, 359.

<sup>69</sup> Martin, "Genuine Information," Elliot, *Debates*, I, 367.

<sup>70</sup> July 18. Madison, *Debates*, p. 275.

official character, he declared that they would have a negative on all laws, "and joined with the Executive, it would mean giving the Executive a double negative." On the other hand, being appointed by the upper house, they would need the support of the people and would not dare to oppose popular acts of the legislature.<sup>71</sup> But it was decided to remove the judiciary from the influence of popular opinion, and the executive was given the power of nomination. For the purpose of soothing Martin's wrath, however, all nominations were to be made with the advice and consent of the Senate. Martin's prophecy was later to be proven true when the Supreme Court of the United States often opposed popular legislation, as the judges did not remain in close touch with the people.

Himself a man who was always in financial difficulties, and an ardent supporter of the issuance of paper money, it is natural that Martin should oppose the "hard money" policy of Hamilton, Morris, Sherman, Washington, and others. Therefore, when the convention agreed<sup>72</sup> to forbid the states to emit bills of credit and to make only gold and silver legal tender, he was one of the few men to oppose the measure.<sup>73</sup> Here indeed, he declared, was a public calamity, for the states may need help to prevent "the wealthy creditor and the moneyed man from totally destroying the poor, though industrious debtor." And at a sheriff's sale, with only gold and silver as legal tender, the poor man may get only one-tenth of the value of his goods.<sup>74</sup> But he was striking his bare fists against a stone wall, for he was the only representative of the debtor class.

Without success in his efforts to grant the states the right to issue paper money, he worked desperately to grant the central government that power. The Committee of Detail, in its report on August 6, vested in Congress the power "to borrow money and emit bills on the credit of the United States." On August

<sup>71</sup> July 21. *Ibid.*, pp. 297, 298.

<sup>72</sup> August 28.

<sup>73</sup> Warren, *op. cit.*, p. 550.

<sup>74</sup> Martin, "Genuine Information," Elliot, *Debates*, I, pp. 376, 377.

16, Gouverneur Morris and Pierce Butler moved to strike out the words, "emit bills on the credit of the United States," from the resolution. James Wilson, John Langdon, Gouverneur Morris, and James Madison were anxious to destroy the right of issuance of paper money by all governments, both state and national. Only two states voted for the retention of this privilege by the central government, New Jersey and Maryland.<sup>75</sup> The views of those who opposed depriving Congress of this power were well expressed by Luther Martin later, when he wrote:<sup>76</sup>

Against the motion we urged, that it would be improper to deprive Congress of that power, that it would be a novelty unprecedented, to establish a Government which should not have such authority; that it was impossible to look forward into futurity so far as to decide that events might not happen that should render the exercise of such a power absolutely necessary; and that we doubted whether, if a war should take place, it would be impossible for this country to defend itself without having recourse to paper credit . . . that, considering the administration of the Government would be principally in the hands of the wealthy, there could be little reason to fear an abuse of the power by an unnecessary or injurious exercise of it. But a majority of the Convention, being wise beyond every event, and being willing to risk any political evil rather than admit the idea of a paper emission in any possible case, refused to trust this authority to a Government which they were lavishing the most unlimited powers of taxation, and to the mercy of whom they were willing blindly to trust the liberty and property of the citizens of every State in the Union.

It is interesting to note that years later the Supreme Court of the United States declared that under the "necessary and proper" or "elastic" clause of the Constitution, Congress did have the power to emit bills of credit and also the power to make them legal tender in the payment of private debts. Thus Martin's political economy was ultimately accepted by the nation, although rejected in the convention.

<sup>75</sup> Warren, *op. cit.*, pp. 693-695.

<sup>76</sup> Martin, "Genuine Information," Elliot, *Debates*, I, pp. 369, 370.

When the question of taxation was discussed, he again clashed with the Nationalist leaders. Gouverneur Morris and other leaders from the North urged the equal apportionment of direct taxes among the states, in order to curb the power of the new western states which might gain in population more rapidly than in wealth, and acquiring a majority in Congress, tax unduly the property of the propertied class in the East. Martin was opposed to the equal apportionment of direct taxes among the states, since duties on commerce would bear most heavily on the commercial states, and they would be paying more taxes than the other ones.<sup>77</sup> When he failed in this, he suggested that direct taxes be levied only in times of absolute necessity,<sup>78</sup> but no one heeded him. On this problem he was doubtless speaking as a Maryland man, for that state was strongly interested in commerce. At the same time he was not afraid of the possibility of the property in the East being unduly taxed. It was for the protection of the commerce of Maryland, however, that he later moved that "the Legislature of the United States shall not oblige vessels belonging to citizens thereof, or to foreigners, to enter or pay duties or imposts in any other state than in that to which they may be bound, or to clear out in any other than the State in which their cargoes may be laden on board, nor shall any privilege or immunity be granted to any vessels on entering or clearing out, or paying duties or imposts in one State in preference to another."<sup>79</sup> Fresh in his memory were the famous "Navigation Acts" during the days of the empire, and he was desirous of preventing the resumption of similar commercial restrictions by the new government. This led him to declare that it was no better to rid the country of the English tyranny, if a national government practiced the same tyranny.

Alarmed at the danger of uniting the control of the "purse" with the control of the army, he urged the limitation of the army in times of peace.<sup>80</sup> Whereupon Washington whispered to an

<sup>77</sup> *Ibid.*, p. 365.

<sup>78</sup> August 13. *Ibid.*, p. 443.

<sup>79</sup> *Elliot, Debates*, V, 453.

<sup>80</sup> August 25. *Madson, Debates*, pp. 469, 470.

adjoining delegate who then satirically made the motion that no nation should invade the country with an army of over three thousand men.<sup>81</sup> Being laughed into defeat on this motion, Martin then argued that the central government should not be permitted to call the state militia out of a state. To him the militia was the "only defense and protection which the state can have for the security of their rights against arbitrary encroachments of the general government." But the militia, it was decided, should be organized, armed, and disciplined by the national government.<sup>82</sup>

Exaggerating at times, it is true, the dangers to be found in a strong national government, nevertheless, he accurately visioned the day when certain states would feel obligated to resist the central government by arms. Opposing the use of force to subdue a rebellion (secession) on the part of any state as unnecessary and dangerous, he declared that the "Consent of the State ought to precede the introduction of any extraneous force."<sup>83</sup> A few months later he raised a very interesting question when he wrote:<sup>84</sup>

The time may come when it shall be the duty of a state, in order to preserve itself from the oppression of the general government, to have recourse to the sword; in which case, the proposed form of government declares, that the state, and every one of its citizens who acts under its authority, are guilty of a direct act of treason; reducing by this provision, the different states to this alternative,—that they must tamely and passively yield to despotism, or their citizens must oppose it, at the hazard of the halter, if unsuccessful, and reducing the citizens of the State which shall take arms to a situation in which they must take arms to oppose the despotism and yet be exposed to punishment . . . if they obey the authority of their state governments, they will be guilty of treason against the United States; if they join the general government, they will be guilty of treason against their own state.

<sup>81</sup> Warren, *op. cit.*, p. 483.

<sup>82</sup> Martin, "Genuine Information," Elliot, *Debates*, I, 371.

<sup>83</sup> Madison, *Debates*, p. 417.

<sup>84</sup> Martin, "Genuine Information," Elliot, *Debates*, I, 382.

He was successful in inserting a clause that "No person shall be convicted of treason unless on confession in open court, or the testimony of two witnesses to the same overt act."<sup>85</sup>

Viewing the growing strength of the nationalists, and noticing the willingness of his old followers to compromise on issues which he considered fundamentally wrong, he stubbornly continued his work of opposition. The convention agreed that the importation of slaves should not be prohibited for twenty years and that five slaves were to be counted as three whites in the apportionment of representatives. This, he declared, was wrong, "inconsistent with the principles of the Revolution, and dishonorable to the American character, to have such a feature in the Constitution."<sup>86</sup> Later he argued that no principle could justify the counting of slaves for apportioning representation, since it was absurd to increase the power of states in making laws for free men in proportion as that state violated the rights of freedom. Slaves could not be counted as men, since they were not admitted to citizenship. If property is the basis of representation, he declared, why not count horses, cattle, and mules also?<sup>87</sup> As a slave-owner himself, he struck the liberal chord of the "Revolutionary principles," but was completely out of harmony with the spirit of the convention.

Time and time again he found himself foiled by the delegates from the larger states. During the controversy on the question of the admission of new states, Gouverneur Morris moved that "New States may be admitted by the Legislature into this Union; but no new State shall be erected within the limits of any of the present States, without the consent of the Legislature of such State, as well as of the Genl. Legislature."<sup>88</sup> Martin immediately opposed the latter part of the resolution, declaring that nothing "would so alarm the limited states as to make the consent of the large States claiming the Western lands, necessary

<sup>85</sup> August 21. Farrand, *Records*, II, pp. 349, 350.

<sup>86</sup> August 21. Madison, *Debates*, p. 457.

<sup>87</sup> Martin, "Genuine Information," Elliot, *Debates*, I, 363.

<sup>88</sup> August 29. Farrand, *Records*, II, 455.

to the establishment of new states within their limits. Shall Vermont be reduced by force in favor of the State claiming it? Frankland and the Western country of Virginia are in a like situation.”<sup>89</sup> The next day he again pleaded for the people living in the west. “In the beginning,” he declared, “when the rights of the small states were affected, they were but phantoms—ideal beings. Now with the larger states affected, political societies are of a sacred nature. G. Morris said yesterday that if the large states were split to pieces without their consent, their representatives were ready to leave. If the small states are to be required to guarantee them in this manner, it will be found that the Representatives of other States will with equal firmness take their leave of the Constitution on the table.”<sup>90</sup> The threat was in vain, for Morris secured his demands. And Martin, finding his efforts futile, was already planning to withdraw from the convention. A national government was taking form, so powerful that it was alarming to him.

Before his withdrawal, he made one last effort to defeat the adoption of the Constitution. He argued that all the states had to consent to it before it was binding, since they were still united by the Articles of Confederation. Later he wrote, “No alteration could be made (to the Articles) by the consent of a part of these states, or by the consent of the inhabitants of a part of the states, which could release the states so consenting from the obligations they are under.”<sup>91</sup> Yet it was decided that whenever nine states accepted it, it would be adopted.

Just before Martin left Philadelphia, federalism received its most severe blow as a result of a compromise between the northern and southern states. During the convention’s deliberations, Martin had often been aided by the sectionalistic sentiments prevalent. As early as July 10, Charles C. Pinckney declared that if the southern states were “to form so considerable a minority and the regulation of trade is to be given to the

<sup>89</sup> *Ibid.*

<sup>90</sup> August 30. *Ibid.*, pp. 463, 464.

<sup>91</sup> Martin, “Genuine Information,” Elliot, *Debates*, I, 386.

General Government they will be nothing more than overseers for the Northern States." Morris and Gerry feared that the southern states would join with the new western states in oppressing the commerce of the eastern states. But on August 29, a compromise was effected. Previously, the convention had prohibited the imposition of export taxes, which was advantageous to the southern exporting states. Then on August 29, the convention agreed to permit the importation of slaves until 1808, that a tax not to exceed ten dollars per head could be levied upon imported slaves, and the elimination of the requirements of a two-thirds vote for the passage of any navigation act or act to regulate commerce. According to George Mason the compromise was a result of a coalition between New Hampshire, Massachusetts, Pennsylvania, New Jersey, Delaware, South Carolina, and Georgia. It was very significant. If the two-thirds vote for laws regulating commerce had been retained, the course of American history would have been vitally changed. Enactment of protective tariffs might have been practically impossible. The whole political relationship between the South and the North growing out of commercial legislation would have been changed. The Nullification movement in the 1830's, which arose out of opposition to a Northern tariff, might not have occurred. But the significance of the compromise is even more marked from another viewpoint. After the agreement between the leaders of the north and south had been reached, sectionalism was weakened, and the men desirous of a strong central government were consolidated. Forming a majority in the convention, unified on the important issues, they were invincible. Martin was forced to admit defeat.<sup>92</sup>

Representing a very small minority, Luther Martin decided it was useless for him to remain any longer within the convention. During his attendance he had delivered at least twenty-four speeches, varying from a few minutes to the better part of two days in length, and he had introduced many resolutions. Al-

<sup>92</sup> Warren, *op. cit.*, pp. 567-587.

though not taking as active a part in the debates as some of the Nationalists, his influence had been obvious. The federalistic principles found in the Constitution are largely a result of concessions to his demands. Without his presence in the convention, the new national government would have been far more powerful. Other men such as Roger Sherman, William Paterson, Oliver Ellsworth, and George Read believed in equal representation for all of the states; other men such as Benjamin Franklin and Elbridge Gerry worked for the limitation of the power of the central government; other men such as Charles C. Pinckney, James Madison, and George Mason were desirous of protecting the South by restricting the power of Congress to regulate commerce; other men such as Gerry, Franklin, and Pinckney were anxious to include a "Bill of Rights"; but Luther Martin was the only man to consistently advocate the principles of federalism. Relying on sectional prejudices, local fears, and other motives, he was able to modify the form of government being drafted. Yet one of the greatest factors to be taken into consideration is that all of the delegates realized that they did not dare create a national government which was too centralized, or the people would not adopt it. Without that situation, Martin would probably have accomplished far less.

In the convention he did present the viewpoint of the debtor class who wanted easy money, of the small states who feared encroachments upon their liberty and freedom, and the common people who feared that a strong government would lead to the same tyranny that existed before the war with the English king. While other delegates were fearful of granting the common people too much democracy, Luther Martin stood out as the lone champion of the "Revolutionary principles." He was an ardent democrat. Yet he had failed. He was opposed by the majority of the delegates who represented the highest economic and social order in America. When he was later asked why he had not mentioned trial by jury and a bill of rights in the convention, he replied, "Is it not possible that the many rebuffs which I met, the repeated mortifications I experienced, the

marks of fatigue and disgust with which my eyes were assailed," might have prevented me from doing more?<sup>93</sup> He had, however, drawn up a bill of rights, and conversed with several members before leaving, but they all declared that it was impossible to do anything with them.<sup>94</sup> With no cooperation in the convention, he withdrew on September 4, to begin his campaign against ratification in Maryland, although several more weeks were spent in completing the work of the convention on the document.

In November, 1787, the Assembly of Maryland summoned the delegates from Philadelphia to give their reports. Martin spoke to them for three days, and was followed by McHenry. By a majority of one vote the meeting of the state convention was postponed until the following April.<sup>95</sup> This address, which was later revised considerably and printed under the title of "Genuine Information," in Dunlap's *Maryland Gazette and Baltimore Advertiser*, December 28, 1787, is considered by many scholars as one of the best short accounts in existence of the work of the convention.<sup>96</sup> In it he discusses the instructions of the delegates, the rules of the convention, and the plans submitted; defends his actions; and argues against ratification. In a number of his letters, James Madison declared that Martin's passion and prejudice betrayed in this letter could not fail to color his statements.<sup>97</sup> Although this may be true, it should be remembered that most of our knowledge of the work in the convention has been based on material written by strong National-

<sup>93</sup> "Luther Martin's Reply to the Landholder," *Maryland Journal*, March 21, 1788, printed in Farrand, *Records*, III, pp. 286-296.

<sup>94</sup> *Ibid.*

<sup>95</sup> George Bancroft, *History of the Formation of the Constitution of the United States of America*, New York, 1882, II, pp. 278, 279.

<sup>96</sup> The speech of Luther Martin before the Maryland House of Representatives is to be found in Farrand, *Records*, pp. 151-159. The "Genuine Information" is to be found in Elliot, *Debates*, I, pp. 345-389.

<sup>97</sup> James Madison to James Robertson, March 27, 1831, *The Writings of James Madison*, Gaillard Hunt, editor, New York and London, 1910, IX, 446; James Madison to John Tyler, Farrand, *Records*, III, 531; and James Madison to W. A. Duer, June 5, 1836, Farrand, *Records*, III, 537.

ists, probably nearly as partial to their cause as Martin was to his.

After the publication of this letter in Maryland, the struggle became very bitter over the question of ratification, with the Anti-Federalists under the literary leadership of Luther Martin. On February 29, 1788, in a published letter from "A Landholder to Luther Martin,"<sup>98</sup> Oliver Ellsworth ridiculed Martin's work in the convention. He declared that he had scarcely had time to read the propositions before he opened with a two-day speech,<sup>99</sup> whereupon Gerry replied that he admired Martin's lungs and profound knowledge in the first principles of government.<sup>100</sup> Listing his criticisms of Martin's work and actions, he claimed that:

(1) He advocated the political heresy that people ought not to be trusted with the election of their representatives.

(2) He held the jargon that although the states had an equal number of votes in the Senate, yet they were unequally represented.

(3) He espoused tyrannic principles when he requested that if a state refused to comply with a requisition for money, an army was to be marched into its bowels, fall indiscriminately upon property innocent and guilty, instead of the mild and equal operation of laws.

(4) He contended that the powers and authorities of the new Constitution would destroy the liberties of the people, but the same power could be safely intrusted in the old Congress.

(5) He exhausted the politeness of the convention so at length they prepared to slumber when he rose to speak.

(6) He was appointed a member of a committee only twice, then merely to avoid his endless garrulity.

<sup>98</sup> *The Federalist and Other Constitutional Papers*, C. H. Scott, editor, Chicago, 1894, pp. 588-594.

<sup>99</sup> Martin entered the convention June 9 and delivered this speech June 27, 28.

<sup>100</sup> Elbridge Gerry denies this statement in his "Reply to a Landholder," appearing in the *New York Journal*, April 30, 1788, found in *Farrand Records*, III, pp. 298-299.

Gerry did commend Martin for several constructive contributions, declaring that:

(1) He originated the "supremacy" clause in the Constitution.

(2) He agreed to the clause that the ratification of nine states would be sufficient to put the Constitution into operation.<sup>101</sup>

Such a bitter attack called for a number of replies on the part of Martin.<sup>102</sup> In these replies he took up Ellsworth's points one by one, in an attempt to refute them. He declared that:

(1) He had not committed political heresy in opposing the election of representatives by the people, for in state governments power flowed immediately from the people in their individual capacity, and thus if, with the idea of federalism, the states should choose the representatives, the system would be more democratic.

(2) The Landholder in speaking of the jargon on the Senate "has all merit of its absurdity nor can I conceive what sentiment it is that I ever have expressed, to which he, with his usual perversions and misrepresentation, could give such a colouring."

(3) He had not advocated letting loose the army indiscriminately. He tried to get an amendment that "whenever the legislature of the United States shall find it necessary that revenue shall be raised by direct taxation . . . and in case of any of the states failing to comply with such requisitions, then and then only, to have the power to devise and pass acts directing the mode, and authorizing the same in the state failing therein." This was rejected and that power which he had wished given to the government only in particular and limited instances, was given without any restraint or limitation.

<sup>101</sup> On April 30, 1788, he repeated these criticisms of Martin.

<sup>102</sup> "Luther Martin's Reply to the Landholder," March 3, 1788, found in Farrand, *Records*, III, pp. 276-281; "Luther Martin's Reply to the Landholder," March 18, 1788, found in Farrand, *Records*, III, pp. 281-286; and "Luther Martin's Reply to a Landholder," March 21, 1788, found in Farrand, *Records*, III, pp. 286-295.

(4) He admitted that he argued that the convention was "destroying the liberties of the people" by giving so much power to the central government. Yet he denied that he ever declared that the powers could be entrusted to the old Congress, since they by nature could not be entrusted to any government.

(5) He admitted originating the clause providing for the Constitution, the laws, and the treaties made thereof, to be the "supreme law of the land." But it was merely offered as a compromise measure to prevent granting to the central government the right to negative state laws.

(6) He admitted voting for adoption upon the ratification of nine states, but explained that he voted from the highest number (13) down. He would have voted for eight if nine had not received a majority, but desired thirteen.

(7) He refuted the accusation that he had not mentioned trial by jury or a bill of rights by replying that he had drawn up a bill of rights, shown it to several members, but they had declared it would be impossible to secure even a discussion of them. Furthermore, under a federal system there would have been no need for any.

Martin was not content merely to refute the charges against himself, but continued his attacks on the Constitution through a series of letters to the citizens of Maryland, appearing at different times in the *Maryland Journal*.<sup>103</sup> But the Federalists were not silent and under the name of "Aristides," Alexander C. Hanson attempted to counteract Martin's writings.<sup>104</sup>

Continuing his work of opposition, he turned to the taverns, where he was at home, and fought against ratification. In these tavern harangues he used a list of the names of twenty delegates in Philadelphia who were supposed to have desired a monarchy and the total abolition of state governments.<sup>105</sup> Receiving the

<sup>103</sup> March 18, 21, and 28, 1788. Scott, *op. cit.*, pp. 678-704.

<sup>104</sup> Steiner, *op. cit.*, pp. 33, 34.

<sup>105</sup> Cf. Farrand, *Records*, II, pp. 191, 192. This episode was the result of a mistake on the part of McHenry, used to advantage by Martin.

list from McHenry, a strong Nationalist, it proved to be a very persuasive argument.<sup>106</sup>

The election of delegates to the state convention was held during the early part of 1788; and only twelve opponents to the Constitution out of seventy-seven delegates were chosen.<sup>107</sup> The convention met at Annapolis on Monday, April 21. The opponents to ratification were led by Luther Martin, John F. Mercer, Samuel Chase, Jeremiah Chase, William Paca, and William Pinckney. The supporters of ratification were under the leadership of Alexander G. Hanson, James McHenry, ex-governor Thomas Johnson, and ex-governor Sim Lee.<sup>108</sup>

The convention was well organized by the majority party, and they found little opposition. They met in caucus, and decided that they knew what the Constitution was, that they were elected to vote for it, and that no arguments would change their minds.<sup>109</sup> Six states had already approved, while in South Carolina, Virginia, New Hampshire, and New York the result was in grave doubt since the conventions had adjourned without a vote. Believing that the crisis was too great to discuss the separate provisions, they agreed not to debate, but to vote for the Constitution.<sup>110</sup>

Thus the document was read and reread, and on April 24 the debating began. Chase, Mercer, and Martin discharged their whole artillery of inflammable matter, yet no converts were made. They offered some amendments, which were rejected. Then the minority continued to state their objections and called on the majority members repeatedly to answer their objections if they were not just. The supporters of the Constitution remained inflexibly silent, defending themselves on the grounds that they had been elected to ratify the document, not to argue about it. Laboring in vain, their strength spent, the opposition

<sup>106</sup> Farrand, *Records*, III, 306.

<sup>107</sup> Steiner, *op. cit.*, p. 39.

<sup>108</sup> *Ibid.*, p. 207.

<sup>109</sup> *Ibid.*, p. 208.

<sup>110</sup> *Ibid.*, p. 210.

acknowledged defeat. On April 26, by a vote of sixty-three to eleven, Maryland ratified the Constitution.<sup>111</sup>

With Martin's final defeat in the Maryland Convention, his active political career was ended, and he turned to the field of law in which he achieved great eminence. His political defeat may be explained partly by the fact that he was out of harmony with the prevalent political philosophy of the day—nationalism. Yet he was the spokesman, and a brilliant one, of a definite political philosophy, which was later to be called "State's Rights." It was defeated, but not destroyed, for it was to appear time and time again in American History. And John C. Calhoun, the great exponent of nullification, is said to have found many of his arguments in the writings of Luther Martin.

The political thought of Martin, as expressed by his work in the convention and in his opposition to the ratification of the Constitution, is quite definite:

(1) He believed in democracy. He desired a bill of rights attached to the Constitution, but was stubbornly resisted.

(2) He believed in local democracy, arguing that the power of the states flowed from the people, and in this way it was easy to express the desires of the people through the state governments.

(3) He believed that governments should protect the common people. Speaking for the debtor class, he opposed the "hard money" party, and always argued that the people had the right to demand "paper money." In this respect he was a forerunner of "Bryanism."

(4) He believed in federalism. As the states were more responsive to the will of the people, they should be the sovereign units of government. The central government was merely an instrument to defend the states against a foreign enemy or the aggression of the larger states.

(5) He believed that a powerful central government meant tyranny and oppression. Only a few years before the colonists

<sup>111</sup> *Ibid.*, p. 211.

had left the British Empire because of the tyranny of the King, and he could not see the advantage of changing the source and seat of tyranny from the King to the national government. It would mean the annihilation of the states, and government by the majority. But the minority would have no voice, and would be oppressed. It was in connection with this point that he prophesied the day when some minority groups would attempt to secede from the union.

The Nationalists, who had drafted the main part of the Constitution, and supported it, then assumed the name Federalists, as they argued that the government was partially federalistic. The opponents of the Constitution assumed the name Anti-Federalists. In this way the party names of the two groups changed, although their political philosophy remained the same. Although the Constitution, as finally adopted, was partially modified to meet the demands of the Federalists, it was more nationalistic than federalistic. But even with these concessions, the opposition to ratification on the part of the anti-nationalists was so powerful, that it is very probable it would have never been accepted if the Nationalist's programme had not been modified. Thus, ratification might not have been achieved, paradoxically as this idea may be, without the work of this "Bull-Dog of Federalism," the bitter opponent of strong national government.

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#### BAMFORD'S DIARY.

(Continued from Vol. XXVII, p. 259.)

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June 2<sup>d</sup> to June 8<sup>th</sup> 1776

Eastern

Battery

23<sup>d</sup> week

Mem<sup>dms</sup>

2 Su. heavy rain all day S. W. high wd To Mr Bullard sent a Bill for £20—Irish

3 M. dull mg N.  
 10 Trouts in the little brook to y<sup>e</sup> E of y<sup>e</sup> Battery  $\frac{1}{2}$  mile.  
 4 Tu. some rain this mg aft<sup>n</sup> wet  
 Embark'd on board the Spy Transport  
 5. W. blows fresh N. cool day  
 caught a great number of Flat fish  
 6 Th. pleasant day S. W.  
 caught many flat fish & some cod  
 7 F. rain'd all day, S. W. very thick fog evg  
 caught some flat fish & cod.  
 8 Sa. dull mg N. XI rain, rain'd all day with fog & high w<sup>d</sup>.  
 The Howe saild for Europe.  
 Some flat fish.  
 Wrote by C<sup>t</sup> McLean to M<sup>r</sup> Bullard, by y<sup>e</sup> Howe Ship

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3 Sent Wm V——	2 doll <sup>rs</sup>	£—.. 9.. —
5 To Lt Carter lent	8 doll <sup>rs</sup>	1.. 16.. —

To M<sup>r</sup> Bullard by C<sup>t</sup> McLean who went in ye Howe Transport 8<sup>th</sup> inst mine dated 2<sup>nd</sup> sent 20<sup>th</sup>

June 8<sup>th</sup> 1776

Remarks &c<sup>a</sup>

8 A Ship with part of the 42<sup>d</sup> Reg<sup>t</sup> arriv'd.

The part of 29<sup>th</sup> Reg<sup>t</sup> got to Quebec 6<sup>th</sup> May. They went in the Surprise Frigate; the Iris & Sloop Martin.

The 5<sup>th</sup> of December the Rebels under Montgomery & Arnold invested Quebec 31<sup>st</sup> they assaulted the Town in two places one under Cape Diamond headed by Montgomery, the other attack was led by Arnold & came by St. Rocque they were repuls'd in both Places, Montgomery was kill'd, & Arnold wounded—the Rebels lost between 6 & 700 men & between 40 & 50 officers kill'd wounded & taken. The Garrison had one Lieut. of the Navy, 4 Rank & file kill'd & 13 wounded—2 died since

On board at Sea  
 the Spy June 9<sup>th</sup> to June 15<sup>th</sup> 1776  
 24<sup>th</sup> week Mem<sup>dms</sup>

9 Su. dull, cold, windy mg N.—cold day  
 10 M. very cold blowing mg N. sail'd out of the Harbour of  
 Hallifax caught many codd at the mouth of the Harbour &  
 a little below Georges Isle

Course S to E.  
 11 Tu. pleasant Mg almost calm N. W. bright mg  
 We scarcely see the Land—Aft<sup>n</sup> W.  
 C. S. to E.  
 12 W. very foggy mg W. S. W. cold—XII clear'd  
 C S to W. Lat. 42° 59'  
 13 Th. pleasant mg cool S. W. clear—XII N. W. light breeze.  
 C. S to W. Lat. 41° 42'  
 14 F. bright warm mg light wind E.  
 C W  $\frac{1}{2}$  S. Lat. 41° 23'  
 15 Sa. Something hazy this mg tumbling seas little wd  
 W S. W.  
 Lat. 41° 4'  
 15 Paid for our Sea Store £6; 13: 3

June 15<sup>th</sup> 1776

### Remarks &c<sup>a</sup>

10 About XII this day, the signal for sailing was made & the fleet sail'd out as fast as they could get under way—lay to off the Harbour's mouth, till IX at night & then made sail, steering to the S—Admiral Shuldam, in the Chatham, Comanding the Navy Gen<sup>l</sup> Howe the Army—  
with about 160 sail of shiping of all sorts.  
the centurion brings up ye Rear.

The two Battalions of Marines, Highland Emigrants & Fencible American Corps, about 3000 men were left in N. Scotia I fear our leaving Halifax, without some certainty of Lord Howe's fleet being near, which I do not find there is, will prove rather premature what can we do at York wt our small

Army—only make the Rebels, draw their Forces there, to oppose us, & throw up works as they did at Boston perhaps it may be for the better it did turn out much so.

On board the Spy at Sea June 16<sup>th</sup> to June 22<sup>d</sup> 1776

25<sup>th</sup> week Mem<sup>dms</sup>

**16 Su. hazy to windward—S. S. E.**

some ships that lost the Fleet last n<sup>t</sup> joyn'd this m<sup>g</sup> XII w<sup>d</sup>  
began to rise—aft<sup>n</sup> blew hard

Lat 40° 4'

17 M. blew exceeding hard all last n<sup>t</sup> S. S. W. with heavy showers of rain—heavy squalls all day—Afn w<sup>d</sup> abated very foggy—S. S. W.

No obs<sup>m</sup>

18 Tu. dull moderate mg cool S. S. W.

Lat.  $41^{\circ} 4'$

19 W. dull mg light w<sup>d</sup> warm. IX sometimes warm

Lat.  $40^{\circ} 35'$

20. Th. warm bright m<sup>g</sup> N. N. W. lay to from XIII till eve<sup>g</sup>  
then made sail

Sam Taylor went on board y<sup>e</sup> hospital Ship  
some Ships y<sup>t</sup> parted Compy joyn'd

Lat.  $39^{\circ} 40'$

21 F. bright warm mg light breeze N. E.

caught a few Rudder fish w<sup>t</sup> a hook & line

C. W. to N. Lat.  $39^{\circ} 33'$

22 Sa. bright warm day light breeze E—

were told y<sup>t</sup> one of the Rebels privateers

our Transports—false.  
G. W.

C. W.

On board the Spy at Sea June 23<sup>d</sup> to June 29<sup>th</sup> 1776

26<sup>th</sup> week Mem<sup>dms</sup>

23 Su. bright Warm mg light Breeze E. S. E. p. m. I almost

calm. VIII light Breeze S to E. were told y<sup>t</sup> L<sup>d</sup> Howe w<sup>t</sup> y<sup>e</sup> Fleet had arriv'd at N. York & made a landing—false.

Lat. 39° 58'

24 M. Very warm mg light w<sup>d</sup> S to E. bright caught many Rudder fish, some large

Lat. 39° 49'

25 Tu. calm, hot, bright mg XII light air

26 W. very hot, little w<sup>d</sup>. XII light breeze

Lat. 39° 56'

27 Th. calm mg. XII a light breeze N. E. hot day

Lat. 39° 57'

28 F. hot mg pleasant light Gale E. XII a little rain caught many Rudder fish large, with hook & line af<sup>n</sup> dull.

Lat 39° 51'

29. Sa. light breeze W. SW.

This mg about VI made the Land, call'd never sink in the Jerseys. p. m. II Anchor'd in Sandy hook about 25 miles from N. York

June 29<sup>th</sup> 1776

Remarks &c<sup>a</sup>

28. The Liverpool Frigate came into our Fleet, saluted the Admiral

29 About 6 o'Clock this mg made the Land call'd never sink, in the Jerseys; to the southward of Sandy hook.

About 2 o'Clock this day we came to an Anchor in Sandy hook.

Admiral Lord Howe had not got in nor any troops except a few of Frazer's Highlanders. Gen<sup>l</sup> Howe arriv'd here some days ago in the Greyhound frigate, which left our fleet at Sea, the rest of our fleet are coming in.

The Rebels took to ships of Frazer's Highlanders; march'd the men through Long Island, playing the Rogue's march before them—this by here say only.

On Board

Sandy hook

the Spy

June 30<sup>th</sup> to July 6<sup>th</sup> 177627<sup>th</sup> weekMem<sup>dms</sup>

30 Su. very hot mg calm, XI, pleasant breeze

1 M. hot mg July IX. pleasant air

were told that the Rebels had got a drubbing at St John &  
 were driven out of Canada with great Loss weigh'd anchor,  
 work'd up near the Narrows.

2 Tu. this mg weigh'd out ye wd coming a head some came  
 to anchor. Some ships pass'd the Narrows, several shott were  
 fir'd

3 W. this mg the first line of our Army landed on Staten  
 Island. We work'd higher up the River & about 11 at night  
 most of our Army was landed.

4 Th. the Troops march'd to their several cantonements  
 round the Island. 40 Quarter'd on the road between Rich-  
 mond & Amboy from much firing this mg of great Guns, very  
 hot day

5 F. dull mg X cleard hot day

many of the Inhabitants came to meet us.

6 Sa. hot, mov'd our Quarters, farther to ye left nearer  
 Amboy ferry.

To McLean a Doll<sup>r</sup>

£ 4:8:—

July 6<sup>th</sup> 1776Remarks &c<sup>a</sup>

July 1<sup>st</sup> Weigh'd anchor about 7 evg from Sandy hook &  
 work'd up to Gravesend near ye Narrows 18 miles from N. Y.

3. Landed on Staten Island

4. March'd to our several cantonements round Staten Island.  
 The People (a few who had fled from their Habitations ex-  
 cepted) seem very glad at our coming amongst them: & sup-  
 ply us with provisions at reasonable rates. we march'd about  
 12 miles from ye Landing Place to A. Woglam's several people  
 from long Island & some from the Jerseys came in.

'tis most Wonderful that people who might be &amp; were ex-

treamly happy, should give up such delightful habitations to run wantonly into Rebellion, & they know not for what but that they are led astray by a set of designing iniquitous men.

Gen. Washington com<sup>ds</sup> in N. York & its said has about 30.000 men w<sup>t</sup> him.

The Prickly pear grows in great plenty on this Island, but very low & small & almost without prickles.

Staten

Island                    July 7<sup>th</sup> to July 13<sup>th</sup> 1776

28<sup>th</sup> week                    Mem<sup>dms</sup>

7. Su. very hot day.

got a small portmantua from on board. Piquet G<sup>d</sup>

8 M. hot mg brisk w<sup>d</sup> N. W.

caught a small fish comonly call'd a Sea horse, in a Net  
tis a small fish, w<sup>t</sup> an head like an horse & crest.

9 Tu. very hot day almost calm.

10 W. very hot day. brisk w<sup>d</sup> N. W.

Piquet G<sup>d</sup>.

11 Th. dull mg

some heavy rain Lightning & Thunder

12 F. very hot day. 2 comp<sup>s</sup> mov'd to y<sup>e</sup> Left.  
no transports

\* Two men of war (& some transports) went up the North

\* Phenix & Rose

River much firing of Cannon as they pass'd the Town.

13. Sa. dull mg

L<sup>t</sup> Hasset 10<sup>th</sup> was wounded, in endeavouring to prevent a  
boat passing. he died next mg.

July 13<sup>th</sup> 1776

Remarks &c<sup>a</sup>

7 The Militia of the Island near 400 men assembled at Rich-  
mond & took y<sup>e</sup> Oaths &c<sup>a</sup> to his Majesty. We hear that Gen<sup>l</sup>

I believe not

Burgoyne has cross'd the Lakes & taken Gen<sup>l</sup> Thomas & his  
St. John's rather I suppose  
Garrison at Fort Edward Prisoners. its said Gen<sup>l</sup> Washington  
has left N. York w<sup>t</sup> about 30,000 Men; & gon to Kings bridge,  
about 14 miles from York where he is Entrenching.

no part

12 Lord How w<sup>t</sup> a small part [no part] of his Fleet came into the Hook. he sail'd after y<sup>e</sup> Fleet from England a few days (The 17<sup>th</sup> Light Dragoons we hear are landed, 17<sup>th</sup> not arriv'd.

There are so many stories circulated that 'tis impossible to know what to depend on. indeed most of y<sup>m</sup> are false. Lord Howe did not sail till 4 days after his fleet & put into Hallifax & came in here without any of his fleet.

Tis said Gen. Washington is gone South and to fortify Philadelphia. false. he is at N. York.

## Staaten

Island July 14<sup>th</sup> to July 20<sup>th</sup> 1776

29 week Mem dms

14. Su. very wet mg calm X w. rains. p.m. 111 rains w. N.E. blows fresh. some firing last nt towards Elizabeth Town Point IV ceas'd raining, dull Muster'd this mg

15 M. some rain last n<sup>t</sup> pleasant mg cool w<sup>d</sup> N.E. XII W. Carrigan of Ct Duffs com<sup>py</sup> was stabb'd by Northington—being got upon his Wife—died in  $\frac{1}{2}$  hour

### 16 Tu, bright mg

17 W. bright mg pleasant evng

18 Th. grey mg cool & pleasant. E.

19 F. bright mg blows fresh. W.

20 Sa. very calm mg hot. XII light W<sup>d</sup> S. W.

a body of the Rebels w<sup>t</sup> colours flying red, blue, green & yellow, march'd down towards Amboy ferry.

16 To McLean a Doll<sup>r</sup> lent

f 4, 8-

NB Northington after stabbing Carrigan stabb'd his wife & then stabb'd himself & attempted to throw himself again on his bayonet.

(he wounded himself & wife slightly)

July 20<sup>th</sup> 1776Remarks &c<sup>a</sup>

15 Some Tenders which went above y<sup>e</sup> Town w<sup>t</sup> the men of war came down; to have more ships sent up as the Country people come in so fast that the Ships are all full which went up. wants confirmation, false. We are told a flag of Truce was sent into York by Lord How, to know if the People would accept of his Majesty's Clemency. they have desir'd 3 days to give their answer. They saluted y<sup>e</sup> boat. going in & returning. This the report of the Day. We hear the Purport of the Flag was to tell the Rebels if they destroy'd York, as it was said they determin'd to do, that we would carry fire & sword, through the provinces concern'd in burning it. The Ships as they went up Above the Town canonaded a Camp of y<sup>e</sup> Rebels & kill'd a great many men; for they were order'd under Arms to see the ships sunk by their Batteries.

20. The Report now is that Gen<sup>l</sup> Burgoyne has cut 1500 of the Rebels to pieces at Fort St Johns & that Lt Col<sup>o</sup> Paterson Adj<sup>n</sup> Gen. went into N. York w<sup>t</sup> a Flag of truce y<sup>e</sup> last confirm'd.

Many deserters come in.

our ships That sail'd above y<sup>e</sup> Town were at first well supply'd by the country people, which Gen<sup>l</sup> Washington being told of sent 3 New England Reg'ts up which put a stop to y<sup>r</sup> being further supply'd.

Staaten

Island                      July 21<sup>st</sup> to July 27<sup>th</sup> 1776

30<sup>th</sup> week                      Mem<sup>dms</sup>

21. Su. hot bright mg calm. XII light w<sup>d</sup> E.

Some showers this day.

22. M. hot day E.

Same comp<sup>s</sup> of the Rebels marched from Amboy towards Elizabeth town. I suppose they were reliev'd by those that march'd last Saturday.

23 Tu. hot mg calm X S. E.

An officer & 12 men of y<sup>e</sup> Rebels landed near the Quarters of 10<sup>th</sup> Reg<sup>t</sup> to take off 2 sentrys posted by the water side, the sentrys fir'd on them killed the officer y<sup>e</sup> Rest ran to y<sup>e</sup> boat & made off.

24 W. hot Mg light w<sup>d</sup> S. W. p. m. VIII very heavy rain w<sup>t</sup> a great deal of Lightning & Thunder the Rebels much alarm'd in the shower y<sup>e</sup> beat to Arms, in y<sup>r</sup> cantonem<sup>ts</sup> in y<sup>e</sup> Jerseys

25 Th. hot mg little w<sup>d</sup> N. p. m. II pleasant cool breeze N. W.

26 F. very hot Mg X pleasant breeze N.

A N York newspaper has some remarkable Expressions such as the insidious Court of Great Britain. what the People are to expect from the clemency of their late King & the Prayers for the King chang'd for his commonwealth.

27 Sa. very hot calm mg XII light w<sup>d</sup> S. E.  
some Ships came into y<sup>e</sup> Hook. They were some prizes brought in by y<sup>e</sup> Liverpool Frigate.

July 27<sup>th</sup> 1776

Remarks

21. Several Ships are seen coming in they are T. ships from Boston w<sup>t</sup> part of the R<sup>o</sup> Highlanders & Frazers Batt<sup>n</sup> they put into Boston, landed at the Light house, drove away the Rebels & brought off the Flag.

25. Some Sloops belonging to the Inhabitants of Staaten Island, were fir'd on by the Rebels as they pass'd Amboy from a Battery there we returned the Compt<sup>t</sup> which they did not expect & Kill'd & Wound'd a good many people. they did not know we had cannon against them.

26. two sloops pass'd Amboy, the Rebels did not molest them; they suffer'd too much yesterday & did us no hurt. they fir'd small Arms at the Sloops, from the shore all along the River, tho' the shot could not reach them.

Tis said a manifesto is to be published offering a General pardon to all the Americans who will return to their Allegiance,

& if they Labour under any real Grievance, they shall be redress'd. can such Terms be rejected.

The Rebels have several small Encampmt's on the Jersey shore, opposite to our Quarters.

A report from the Rebels that Gen<sup>l</sup> Clinton was defeated at Charles Town.

partly confirm'd.

Staaten

Island                    July 28<sup>th</sup> to Aug<sup>st</sup> 3<sup>d</sup> 1776

31<sup>st</sup> week

Mem<sup>dms</sup>

28. Su. very hot calm Mg Aft<sup>n</sup> light wd S. E.

reported y<sup>t</sup> Gen<sup>l</sup> Burgoyne died near Albany of a bilious fever. y<sup>t</sup> part of Lord Howes fleet are coming in. y<sup>t</sup> a flag of Truce was sent in from N York contents not transpir'd. All Lies.

29 M. Close dull mg very sultry. XII light wd S. this N<sup>t</sup> very heavy rain, w<sup>t</sup> most Violent lightning & Thunder

Several Ships coming in.

30. Tu. close hot mg W. X bright very hot

XI pleasant breeze N.

A total Eclipse of the moon, very plain & fine.

31. W. very hot calm Mg

The Light Drag<sup>ns</sup> Landed on Staaten Is<sup>ld</sup>

August

1 Th. very hot Mg

Violent Lightning Thunder & Rain Y<sup>t</sup> N<sup>t</sup>

Gen. Clinton from Carolina Arrived

2 F. cool Mg W.

3 Sa. pleasant cool Mg N. W.

30 To McLean a Doll<sup>r</sup> lent

£ 4:8 —

Aug<sup>st</sup> 3<sup>d</sup> 1776

Remarks &c<sup>a</sup>

29. The 17<sup>th</sup> Light Dragoons from Hallifax & part of the 1<sup>st</sup> Division of the Hessians are come in. reported that L<sup>d</sup>

Sterling a Maj<sup>r</sup> Gen<sup>l</sup> in the Rebel service was among the Kill'd at Amboy, 25 inst. Lt Drag<sup>s</sup> Landed

Aug<sup>st</sup> 1. Gen<sup>l</sup> Clinton w<sup>t</sup> the Army 8 Regim<sup>ts</sup> from Charles Town S. Carolina Arriv'd. The ships got a good drubbing. C. Scott kill'd Sr Peter Parker wound<sup>d</sup> & several others kill'd & wound<sup>d</sup>, the Army were not Land<sup>d</sup> They lightened the two 50 gun ships were lightned & sent out y<sup>e</sup> Bar<sup>r</sup> & attack'd y<sup>e</sup> Batteries w<sup>t</sup> their upper deck Guns only, y<sup>e</sup> Lower being taken out.

Quere, were not Frigates nearly Equal.

The Acteon & Sphinx ran foul & went aground the former was burn'd by y<sup>e</sup> Captain without Orders he was try'd, but acquitted. The Ships did not go within a mile of the Batteries, tho they might have got within a few Yards of them. seems bad conduct the Glasco Pacquet was burn'd. The Rebels had a Battery on Sullivans Island at the mouth of the River. Ye bugbear to y<sup>e</sup> Men of War. The Pilot ran the Acteon, Sphinx & Syren aground the attack was 28<sup>th</sup> June. Lt Pike of y<sup>e</sup> Active kill'd. Capt. morris lost his right arm & died

#### Staaten

Isl<sup>d</sup> August 4<sup>th</sup> to August 10<sup>th</sup> 1776

32<sup>d</sup> week Memdms

4 Su. hot calm Mg XI light w<sup>d</sup> S. W.

Many Ships this day come in.

Rec<sup>d</sup> my abstract from the Paymaster to 24<sup>th</sup> inst.

Shea 40<sup>th</sup> Deserted. he swam across y<sup>e</sup> River

5 M. hot Mg S. E.

Several ships coming in. of L<sup>d</sup> Howe's fleet caught some Eels.

6 Tu. hot Mg brisk w<sup>d</sup> S. W.

7 W. very hot foggy Mg XII clear & very hot S. W. X Exceeding hot, little w<sup>d</sup> S. XII pleasnt breeze E. Some heavy rain this Evg

8 Th. dull close Mg very sultry & calm

9 F. close hot day w<sup>d</sup> variable

10 Sa. hot day p. m. II pleasant w<sup>d</sup> E.

August 10th 1776

Remarks &c<sup>a</sup>

5. Several Transports Arriv'd with part of the Guards Hessians & Highlanders.

Tis said, that the Rebels had fitted out a Fire Ship, to destroy the 2 ships which went about N. York; they came down w<sup>t</sup> some scows w<sup>t</sup> Cannon & a number of boats, to attack the Ships; the Phenix which lay highest up in y<sup>e</sup> River Let them come very near her; them open'd and soon sunk the Fire ship some of the Scows; in the confusion, the remainder of the boats & scows fell down to the Rose, who got between them & the shore, & drove them to the opposite side where they took refuge in an house, C<sup>t</sup> Wallace of the Rose landed his marines, beat them from the House, set it on fire, & brought off a number of Cattle.

The Liverpool Frigate has brought in a Prize worth 10,000 £ silks & rich Goods from Holland.

Staaten

Isld August 11<sup>th</sup> to August 17<sup>th</sup> 177633<sup>d</sup> weekMem<sup>dms</sup>

11. Su. close dull mg some showers, S. much Lightning Thunder & Rain this Evg

12 M. cloudy Mg cool W.

13 Tu. very hot bright Mg little w<sup>d</sup> W.

caught a fish call'd a sheep's head, & some black fish like Tench.

14 W. hot Mg little w<sup>d</sup> E.

caught some black fish

Ships continue to come in

15 Th. rain'd all last n<sup>t</sup> very wet Mg E.

X ceased to rain, cloudy. several drizzling showers this day.

The Hessians landing to Encamp.

16 F. close cloudy Mg heavy showers, last n<sup>t</sup> W. observ'd the Rebels marching towards York w<sup>t</sup> 2 pieces of cannon & 5 cover'd waggons; escorted by about 500 men, on the Jersey side heard they some showers this Eveg were leaving Amboy

17 Sa. a good deal of rain last n<sup>t</sup> showers this mg N. W. IX soaking rain

15. To Maj<sup>r</sup> Bradstreet, lent 40 Doll<sup>rs</sup> p<sup>d</sup> 9.. 6.. 8

17. Sent 200 Doll<sup>rs</sup> to be lock'd up on board the W<sup>m</sup> & Mary by Maj<sup>r</sup> Bradstreet. Note the Major put them on board the Spy. The Major gave me these 200 Doll<sup>rs</sup> back again.

16. To Maj. Bradstreet 10 Doll<sup>rs</sup> p<sup>d</sup> £2.. 6.. 8

in all 50 Doll<sup>rs</sup>

due me by ye Maj<sup>r</sup>

26<sup>th</sup> March 1777 rec<sup>d</sup> the above 50 Doll<sup>rs</sup> from Lt Doyle on Acc<sup>t</sup> of Maj<sup>r</sup> Bradstreet & at same time p<sup>d</sup> him 9/7 charg<sup>d</sup> on Acc<sup>t</sup> of Lt Murray Dead of my Co.

August 17<sup>th</sup> 1776

Remarks &c<sup>a</sup>

A report, that Gen<sup>l</sup> Burgoine has got as far as Albany. wants confirmation & I fear he never will get to Albany

12. A number of L<sup>d</sup> Howe's fleet came in Lord Dunmore w<sup>t</sup> a Fleet from Virginia bringing about 1500 men came in; among those are many negroes.

Staaten

Isl<sup>d</sup> &

Long Isl<sup>d</sup> August 18<sup>th</sup> to August 24<sup>th</sup> 1776

34<sup>th</sup> week Mem<sup>dms</sup>

18 Su. heavy rain all last N<sup>t</sup> very wet Mg N. E. much cannonading this mg towards York.

The two men of war came down into ye Fleet from their Station above the Town.

19 M. wet last n<sup>t</sup> wet mg X ceas'd raining aft<sup>n</sup> pleasant. A comp<sup>y</sup> of ye Hessian Troops encamp'd close by our Quarters, we remov'd

20 Tu. This Mg at IV The 8 Comp<sup>s</sup> of the 40<sup>th</sup> Regt march'd from their cantonem<sup>ts</sup> to the Landing place & embark'd on board ye W<sup>m</sup> & Mary.

21 W. Rain last n<sup>t</sup> pleasant mg little w<sup>d</sup>

22 Th. raind wt Lightning & Thunder last n<sup>t</sup> This day about IX Mg our Army landed on Long Isl<sup>d</sup> at a place call'd Gravesend, without opposition, some of y<sup>e</sup> Lt I<sup>y</sup> march'd into y<sup>e</sup> Country

23 F. pleasant Mg Landing Artillery, Stores, &c<sup>a</sup> Various Reports, none to be depended on Piquet G<sup>d</sup> Advanc'd.

24 Sa. Warm Mg some rain last N<sup>t</sup>

tis reported y<sup>t</sup> the Hessians, hang'd 3 Rebels which they took Prisoners. contradicted.

Several Bullocks were landed which came from England. so poor they can scarcely stand.

August 24<sup>th</sup> 1776

Remarks &c<sup>a</sup>

20<sup>th</sup> The Troops march'd from their several cantonements & Encampm<sup>ts</sup> & Embark'd on board their ships.

21. The embarkation was finish'd & the order of Landing given out

22. The Army Landed on Long Island about IX this Mg without opposition the Lt Infantry push'd into the Country & got as far as flat Bush about 6 miles from the Landing Place

24. there has been much firing between our Advanc'd Parties & the Rebels who keep in y<sup>e</sup> Woods. we have had 3 or 4 kill'd & a few wounded. We took some prisoners.

Long

Isl<sup>d</sup>

August 25<sup>th</sup> to August 31<sup>st</sup> 1776

35<sup>th</sup> week

Mem<sup>dms</sup>

25. Su. very heavy rain last n<sup>t</sup> dull Mg W. about 4000 Hessians came over from Staaten Isl<sup>d</sup>

26 M. Much Lightning & Thunder last nt.

gloomy day.

March'd from y<sup>e</sup> Ferry Cantonem<sup>ts</sup> about IX this Eveg

27 Tu. fine mg

About XI this Mg a sharp action wt the Rebels Battle they were defeated we lost but a few men & some officers, Coll<sup>o</sup> Grant of 40<sup>th</sup> Reg<sup>t</sup> Kill'd

28 W. very pleasant Mg aft<sup>n</sup> rain  
a great deal of Firing this Aft<sup>n</sup> cannon & Musquetry we got  
near 2000 head of Cattle which the Rebels would have drove off.

29. Th. gloomy Mg

We began a Work to play on one of the Rebels  
Redoubts call'd Putnam Fort.

30 F. This Mg our Army Took Possession of the Enemy's  
works on this Isl<sup>d</sup> they having abandon'd them & governors  
Isl<sup>d</sup> their chief works are near Brookline. they went off in  
great hurry.

31. Sa. the Army March'd & Encamp'd on the Ground oppo-  
site N York & some went still more to the Right beyond  
Bedford.

Gen<sup>l</sup> L<sup>d</sup> Stirling Gen<sup>l</sup> Sulivan, & a great number of officers  
are pris<sup>rs</sup> with us.

Maj<sup>r</sup> Gen<sup>l</sup> Wogan a Pris<sup>r</sup> w<sup>t</sup> me. we took 4 Brass field  
peices, & the Ammunition. We are since told that the Rebels  
had 18,000 or 19,000 men against us the 27<sup>th</sup>

August 31<sup>st</sup> 1776

Remarks &c<sup>a</sup>

26 the 4<sup>th</sup> & 6<sup>th</sup> Brigades under Gen<sup>l</sup> Grant march'd from  
their cantonem<sup>ts</sup> about IX at N<sup>t</sup> they March'd towards Brook-  
line Ferry, the York Comp<sup>ys</sup> march'd on y<sup>r</sup> Flanks; surpriz'd  
some small posts of the Enemy on the road & took some  
prisoners. Maj<sup>r</sup> Byrd taken.

27. About VII in the Mg we discover'd the Enemy drawn  
up on an hill on our right flank our Advanc'd Guard was fir'd  
upon from an Orchard; the Enemy were soon drove from  
thence; & we march'd to gain the Hills, the Enemy firing on us  
from the woods, when we had possessed the Heights, the enemy  
pour'd a very heavy fire upon us from the woods, we drove  
them into the thickest part & there kept them in awe as we  
found they had great Numbers conceal'd in the woods we did  
& lay on our Arms. About one the Lt Infantry & Gds w<sup>t</sup> part

of G<sup>1</sup> Howes Army from Flatbush having march'd to attack them by a road on the Right began to cannonade & attack w<sup>t</sup> small Arms the Rebels finding themselves attack'd on both sides after a good deal of resistance being very hard press'd gave way & ran in great confusion some were drown'd endeavoring to cross to a Mill on the opposite side, we took a number of Pris<sup>rs</sup> & kill'd a great many Men. the Enemy say they had 11,000 men to attack us, besides reinforce<sup>ts</sup> yt came during y<sup>e</sup> action. they Lost above 3000 Men. numbers are deserting. Our Loss very trifling. 50 kill'd 260 Wounded a number of them slightly.

Long

Isl<sup>d</sup> September 1<sup>st</sup> to September 7<sup>th</sup> 1776

36<sup>th</sup> week

Mem<sup>dms</sup>

1 Su. hot m<sup>g</sup> we hear that the Rebels are going from N York in y<sup>e</sup> Greatest hurry.

They have strong Works behind N. York, towards Kings bridge

2 M. hot day.

This N<sup>t</sup> about XII, a number of our Flat boats & a frigate the Rose pass'd the Town & went up E. River

3. Tu. hot day, several cannon fir'd this Mg

4. W. hot day, brisk w<sup>d</sup> cannonading on both sides.

5. Th. pleasant cool Mg Cannonading but seldom Aft<sup>n</sup> a great deal of Cannonading between the Rose Frigate & the Rebels from N York Isl<sup>d</sup>.

Advanc'd Picquet.

6. F. cool Mg very little firing this day

7 Sa. some rain last n<sup>t</sup> small thick rain this mg aft<sup>n</sup> fair & cool.

Tis most undoubted that had we taken the Advantage of this conquest at Brooklyn we might easily have put an End to the Rebellion, but perhaps our—do not think they have made sufficient fortunes.

September 7<sup>th</sup> 1776

Remarks &c<sup>a</sup>

The Works which the Enemy Abandon'd are very Numerous & strong; Redoubts & Lines either friez'd or pallisadoed & abatti round the whole with a communication from one to the other. One Work which they call Fort Putnam is around Redout rais'd high, w<sup>t</sup> a round cavallier in the center; it overlooks a large extent of Country. but of no strength against cannon. when the Rebels abandon'd their works, 30<sup>th</sup> Aug<sup>st</sup> it was a very thick fog in the m<sup>g</sup> they took that opportunity to go off. went in great hurry & confusion, leaving several things behind; we had began approaches towards their highest Redoubt.

The Rebels are throwing up a number of works on N York Isld we are erecting Works opposite to them near Hell gates.

Three Delegates came from the Congress but had the Insolence to expect to treat & acknowledge us Delegates from a seperate power that had no Dependence on England. they would not be received as such & return'd Back

When we beat the Rebels at Brooklyn, the 27<sup>th</sup> why were we not allow'd to pursue them when most numbers of them, panick struck, had thrown away their Arms, & fled in the greatest confusion, but we were stop'd to look at their works which had not men in them. I fear this may be set down among our other Blunders to prolong the war.

Long

Isld September 8<sup>th</sup> to September 14<sup>th</sup> 1776

37<sup>th</sup> week Mem<sup>dms</sup>

8 Su. some firing last n<sup>t</sup> rain this m<sup>g</sup> XI clear'd Open'd a Batty at Hell gates against the Rebels Strong redoubt, which they call a Fort

9 M. much firing of Artillery all day. Very hot day.

10. Tu. VIII began to rain. many showers this day. no firing this m<sup>g</sup>

Many of our flat boats pass'd the Town last n<sup>t</sup>

11 W. some rain last n<sup>t</sup> dull Mg cool.

Our Lt Infantry has taken possession of two Isl<sup>ds</sup>s near Hell gates, Bahama & Montresor's Islands

12 Th. cool Mg much canonading all mg  
tis said the Hessians have taken an Isl<sup>d</sup> whereon the Rebels  
had a Batty of 3 Guns.

13 F. calm Mg hot. XII pleasant cool w<sup>d</sup> cloudy this aft<sup>n</sup> 4  
ships of war pass'd the Town & sail'd up the East River. the  
Phenix, Roebuck

14 Sa. some rain this m<sup>g</sup> close & sultry.  
To McLean 2 Doll<sup>rs</sup> lent

September 14<sup>th</sup> 1776

### Remarks &c<sup>a</sup>

Our Batt<sup>rs</sup> near Hell gates do not seem to have the desir'd Effect, as we are inform'd.

The Rebels have made N. York Isld a complicated peice of Fortification, have a Strong Redoubt near hell gates, against which our Batt<sup>rs</sup> are erected & Breast Works all round the Isld near the Water Edge, w<sup>t</sup> Batt<sup>ys</sup> at convenient distances & a great Number of very Strong Red<sup>ts</sup> on the Higher grounds.

*(To be Continued.)*

**EXTRACTS FROM ACCOUNT AND LETTER BOOKS OF  
DR. CHARLES CARROLL, OF ANNAPOLIS.**

(Continued from Vol. XXVI, p. 230.)

[This installment concludes the correspondence of Dr. Charles Carroll, who died 29 September, 1755. His son Charles Carroll, barrister, carried on the commercial enterprises of his father for some years, before he became distinguished as one of the leading attorneys and patriots of the Province, using the same volume for his letter copies.—ED.]

Annapolis Aug<sup>st</sup> 30<sup>th</sup> 1754

Cap<sup>t.</sup> Dobbins

I desire the favour you will deliver my Son the inclosed Letter yourself or send it by a Tickett porter you know.

I also request you will get a sett of Glasses in the Temple Spectacles herewith Delivered to suit a person turned of Sixty years old and get the Case repaired the Hinge well rivetted and also get a spare pair of Glasses to answer to Sixty five put up safe in Cotton to avoid breaking I make no doubt of your applying to some good Opticians Shop The Acc<sup>ts</sup> of which shall be thankfully repaid.

To Capt<sup>n</sup> James Dobbins

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Annapolis Maryland Sept<sup>r</sup> 6<sup>th</sup> 1754

Gentlemen

I reced your ffavour by the ffrisby George Davis master with 4 Casks ten penny nails value £8..11..4 which I have carried to the Cr<sup>r</sup> of your account.

As your Comp is changed by the Death of M<sup>r</sup> Cheston I expect you will carry the Ballance due to me from that C<sup>o</sup> to the Cr<sup>r</sup> of my present account with you which by my Books is £24..2..7 but if any Error shall readily be rectified.

I shall be obliged to you if you will by some Ship coming this way send me the value of the Ballance deducting the nails in good welch Cotton by some of your Ships this way I mean to Chester River.

I would gladly have sent you Pigg iron this year but find by M<sup>r</sup> Ringgold your Ships were engaged by former Contracts.

It will be very acceptable to me to have a Correspondence with you.

To Mess<sup>rs</sup> Sedgley Hillhouse  
& Berry Merchants in Bristol

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12<sup>th</sup> Aug<sup>t</sup> 1754

Doctor Carroll

Sir

Notwithstanding you gave me an order for Iron to M<sup>r</sup> Croxall when I came to Baltimore and see M<sup>r</sup> Lawson I found I

was obliged by Mr Buchanans order to take the iron from him and as I could not avoid it I hope you will excuse it from

Sir

Y<sup>r</sup> M<sup>o</sup> obt Hole Serv<sup>t</sup> to Com<sup>d</sup>

James Hall

Mem<sup>d</sup> a Copy of the above Sent to  
Mess<sup>rs</sup> John Hanbury & Co. Merchants  
in London 12<sup>th</sup> Sept<sup>r</sup> 1754

---

Maryland September 12<sup>th</sup> 1754

Gentlemen

Altho I gave Captain Hall master of the Ship Buchanan an order for thirty five Ton Pigg iron at his first coming in to be put on Board at Patapseco River and which I was certain he had got Yet by the inclosed Letter from him of the 12<sup>th</sup> August last I find he disapointed me.

I had wrote you to Insure on that Ship for me not doubting his having the Iron but as he did not take it I hope ye can draw back any premio paid.

This has been a disapointment to me in so much Remittance which I certainly thought I had been sure off If needful towards drawing back the premio Capt<sup>n</sup> Hall will clear the matter to you.

I have now on the Bank ready to Ship one hundred and forty Ton of Pigg iron but could not get ffreight for it.

I hope that this will make no Difference with ye in the advance I desire of you in my Letter of the 8<sup>th</sup> July last for my Son since your principal and Interest will be safe and paid the next Shipping.

I pray that you will forward the inclosed to my Son.

To Mess<sup>rs</sup> John Hanbury & Co  
Merchants in London

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Maryland Sept<sup>r</sup> 12<sup>th</sup> 1754

Dear Charles

In mine of the 9<sup>th</sup> July last I advised you that Mr Black had fourteen H<sup>hds</sup> Tobacco from your Quarters in 1751 I was led into that mistake by your overseers Letter since which I have seen him and he tells me that in 1751 he shipt in Judd only four Hogsheads for which he has account Sales clearing as I before observed £30..15..11.

And in 1752 he shipt in him Seven H<sup>hds</sup> and 14 H<sup>hds</sup> in Cooper in 1753 for none of which I ever had sixpence Credit nor expected it as the Tobacco was Shipt in your name in all twenty five H<sup>hds</sup>. This is the State of your Tobacco Shipt to Mr Black and for which he is to Credit your account at such Times as he had the money in Hand for the Tobacco.

I have been disapointed in Shipping Pigg iron this Year to answer all your occasions tho I have it in hand upon the Bank. Having now in the Country one hundred and forty Ton which I will Ship as fast as I can get convenient Shipping to do it I have not at present more to add than that I am with Love & Respect. . . .

To Charles Carroll Esqr  
Middle Temple Garden Court  
Library Stair Case № 2 London

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Maryland Nov<sup>r</sup> 10<sup>th</sup> 1754

Gent.

Upon the certainty that you have accepted of my proposal in mine Dated 8<sup>th</sup> July last as also of the 29<sup>th</sup> August both addressed to you I have sent the inclosed Invoyce of materials necessary for the Ship I am building to carry her to your Port, and some other Goods.

I have had an offer from a Correspondent of Mr John Preswicks that he would send the Sail Cloth Twine and Cables at Six or Seven months Credit and allow the Bounty on the Sail

Cloth but I chuse to have it come regularly from your Hands and expect it on the same Terms and if your own Tradesmen will not send them so I should be glad you would apply to him as he is a considerable Manufacturer of these kinds.

My Running & small Rigging I make here and shall as soon as the Vessel is in the water send you Directions for Insurance.

I would have you Insure on these Goods which you send me in such manner that in Case of Loss I may draw my principal & Charges & the premio for such Insurance with the Incident Charges place to my account as also the Cost of the Goods. Please to send them in some Ship convenient to Annapolis or Patapsco.

On the 19<sup>th</sup> October last I drew on you payable to John Darnal for £22..18..9 Sterl and of this date to Nicholas Maccubbin for £50 Sterl both which Bills I desire you will pay & charge to my account which will be the only Bills I shall have occasion to draw until you have full Effects in hand for all Disbursem<sup>ts</sup> made or to be made for me or my son.

If I could have Shipt all my Pigg iron in hand here this Year it would have more than answered his & my occasions.

As my Son will be coming to Maryland in some Ship early in the Spring shall be obliged for your recommending one to him and as I before wrote to supply him with what he may judge needful.

Upon the whole as I have put great Confidence in you I hope not to meet any Disapointmt in my Expectations and you may be assured of every grateful return I can make for the same.

P. S. Please to send a distinct acct of the Goods mark'd [B. C.] & Incident Charges.

To Mess<sup>rs</sup> Jno Hanbury & C<sup>o</sup>

Merchants in London

---

Maryland Nov<sup>r</sup> 10<sup>th</sup> 1754

Sir

I reced yours by the Willson Dated 16<sup>th</sup> July last with your

acc'ts concerning which I don't mean to enter into any Alteration with you as I desire to keep up a friendly Correspondence.

The Ballance of your Account ag<sup>st</sup> my Son shall be paid you deducting the produce of his Tobacco and Interest from the Times of Sale which I hope you will think reasonable & just.

I am in hopes that the Interest of your advance & your Com<sup>ns</sup> on the Transactions we have had will be Satisfactory premio for the same and that you will be content therewith & your just principal.

I am very much obliged for the Character you give my Son and as I have a very good opinion of your Judgment I shall have the Higher Esteem of his good qualities that you think them so.

I hope that nothing will ever Subsist Between you him & me than a suitable Correspondence to that good manners & ffriendship that always subsisted between us during a long acquaintance. Altho you are winding up your affairs from this Province and decline your Trade therein.

I return you sincere thanks for all the Civilitys shewn my Son and assure you that I am with much respect.

To M<sup>r</sup> Wm Black  
Merchant in London

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Annapolis Maryland Nov<sup>r</sup> 8<sup>th</sup> 1754

Sir

I reced yours Dated 10<sup>th</sup> July last and am much obliged on the Kind offer you make on my Sons proposal.

Its true I wrote him Paragraph of such a Letter as you mention but not being certain whether it would be agreeable to you to answer my occasions at present. I did in Answer to a Letter of Mess<sup>rs</sup> John Hanbury & C<sup>o</sup> propose it to them to serve me & my Son with what may be requisite and to take the managem<sup>t</sup> of my future Business from hence which my Son can inform you if they have accepted of so as to answer my Expec-tations.

It will be very agreeable to me to have it in my Power to return any Civility shewn my Son and whatever you have advanced for him shall be with all thankfulness repaid without Loss to you.

I have wrote to my Son now to adjust this matter with you if Mess<sup>rs</sup> Hanbury make the least Difficulty.

In Case I can serve you with ffreight (in the Ship I am building at Patapsco) next Summer I will with all exactness and Care take the same from any of your ffriends and in any other respect that I can serve you then.

To Mr W<sup>m</sup> Perkins  
Merchant in London

---

Maryland Nov<sup>r</sup> 10<sup>th</sup> 1754

Dear Charles

I thank God I have got well over a violent pain I had sometime since in my head and am now in perfect health.

I have inclosed you Copys of my Letters to Mess<sup>rs</sup> Black & Perkins as also to Mess<sup>rs</sup> Hanbury by this opportunity.

I have no Reason to doubt Mess<sup>rs</sup> Hanburys Compliyance with my Requests and if I had been assured of Mr Perkins's taking my offer on your speaking to him I had not applied to any other and I found by a Letter of yours that you inclined for Mess<sup>rs</sup> Hanbury to transact with.

If I could have Shiped all the Pigg iron I have now on the Bank it would more than answer both yours and my occasions but it will be ready for next Spring and my own Ship will carry forty Ton thereof.

If you don't hit upon any particular Ship I think Mr Anderson's Ship in which Mrs Holyday & her Son went in would be a good one. However I referr to your own Conduct & Choice but would have you come in a Ship bound above Patuxen nearer Annapolis for Convenience.

As this will possibly be the last Letter I shall write you before I have the pleasure of seeing you I have no other to add than

to recomend you to Almighty God and your own good Conduct.

Mrs Carroll joins me in Love & Respects as to news we have not more than you have heard our Governor is made Lieut Gen<sup>ll</sup> of fforces to be raised for there are but few now to repel the fforce of the ffrance and their allied Indians the former are making large Strides towards laying a foundation for the Empire of this Northern part of America which if not timely prevented by the National Assistance of our Mother Country must take Effect for the Plantations are not able to resist a much weaker power than that of ffrance they have neither Cloathing Arms or Ammunition nor men Suff<sup>t</sup> to spare for warr and all these are supplied from ffrance as well thro Canada as the Mississippi & its Branches and with the Influence their priests gain over the Indians lying westward raise many of them against us and they prove a Savage & British Enemy from their own nature heightned by the Doctrine of the Jesuits & Priests that its meritorious to destroy Heretics.

We may not feel the total Effect of the ffrance scheme in our Days but I wish that God may avert the Evil from those who succeed us which may be feared in less than a Century without good Conduct & perseverance prevent it.

Good fforts & Garrisons on the Lakes of Canada well supplied & suitable armed Gallys or other Vessels to the Navigation of those waters as well as on the Branches of the Mississippi and an Encouragem<sup>t</sup> to Irish Protestants as also British to settle the back Lands which ought to be given them in reasonable Quantitys Gratis & free of Rents but with some small acknowledgm<sup>t</sup> to the Crown may be a speedy means to Check the ffrance.

I am of opinion that the Germans are not to be too much relied on to make a Barrier against the ffrance as there are many Papists among them from Alsace & other Parts tho; they may answer mixt with British Subjects Born.

To Charles Carroll Esqr  
Middle Temple Garden Court  
Library Stair Case N<sup>o</sup> 2  
London

Annapolis March 20<sup>th</sup> 1755

Sir

I thought it full early to send you the Inclosed Warrant from the provincial office for Laying down my Pretentions ag<sup>st</sup> Evan Shelby.

You have inclosed the Courses of the Tract of Land called Shelbys Misfortune claimed by me.

And as it may be proper to lay down the Tract of Land called Maidens Choice 1000 Acres of Land out for old Evan Shelby.

M<sup>r</sup> Brookes has the Courses thereof from me and make no doubt but he will lay that as well as the inclosed down taking a Reference from the beginning Tree of the one to the other.

I desire you will Summon M<sup>r</sup> Thomas Prather and his Son Cleggatt Prather as also James Gillaland to prove the Tree of Shelbys Misfortune and Maidens Choice as also any other two Evidences that M<sup>r</sup> Thos Prather shall direct who are acquainted with the destroying the Tree of Shelbys Misfortune.

Your Care and favour herein will much oblige . . .

To M<sup>r</sup> Samuel Beall

Sheriff of ffrederick County

Invoyce of Sundry Goods sent inclosed in a Letter to Mess<sup>rs</sup> John Hanbury & Comp<sup>a</sup> Merchants in London Dated 10<sup>th</sup> Nov<sup>r</sup> 1754 Viz.

26	Bolts English Duck or Sail Cloth	N <sup>o</sup> 1
20	Ditto	2
6	Ditto	3
6	Ditto	4
8	Ditto	5
2	Bolts Tarpaulin Duck	
2	Bolts Vitri	
50 <sup>ll</sup>	Sewing Sail Twine	
10 <sup>ll</sup>	Bolting Twine	
6 <sup>ll</sup>	Whipping Twine	
6	Logg Lines	
	Half a Ton of black cannon	

2 Good Cables for a Ship of two hundred & fifty  
 Ton one hundred & twenty fathom long each  
 for best Bower & Sheet Anchor

2 Suitable Anchors for best Bower & Sheet Anchor  
 for such a Ship

2 Anchors three hundred two quarters each

1 Anchor three hundred

1 Suit of Colours for a Ship of former Tonage

4 Wooden Box Compasses

1 Brass Ditto

1 Hanging Ditto

2 Spy Glasses

3 two hourly Glasses

4 half Ditto

4 quarter of a minute Ditto

4 half quarter Ditto

1 large Trumpett

1 Small hand Ditto

2 Lanthorns

2000 Scupper nails

2000 pump Ditto

6 Yards Sheet Lead or 200lb wt

20 Yds red narrow Bunting for Vanes

2 Doz. Marline

2 Ditto Housline

1/2 Doz. of Palin Irons  
 Lamp Black value 10/

100lb Yellow paint or Dry oker

4lb Verdigrase

100lb White Lead Dry

56lb Red Lead Dry

1 Deep Sea Line

2 Hand Leads

100 Sail Needles Sewing & Bolting Sortes

4 Tarr Brushes

1 Doz. Painters Brushes of different Sizes

500 Ells ozn<sup>s</sup>

[B. C.] 1 p <sup>s</sup> Irish Linen	@ 1/
1 p <sup>s</sup> Ditto	@ 1/6
1 p <sup>s</sup> Doulass	
1 p <sup>s</sup> Gartie	
1 p <sup>s</sup> Hessens	
1 p <sup>s</sup> Hempen Roles	
2 p <sup>s</sup> good welch Cotten	
2 p <sup>s</sup> Match Coating	
5 Yarn Rugs	@ 5/
5 Ditto	@ 10/
1 p <sup>s</sup> ffearnothing	
1 p <sup>s</sup> half thick	
1 p <sup>s</sup> Penistone	
1 Steel plate pitt Saw 7 foot long	
5M 30 <sup>d</sup> Nails	
20M 20 <sup>d</sup> D <sup>o</sup>	
20M 10 <sup>d</sup> D <sup>o</sup>	
20M 8 <sup>d</sup> D <sup>o</sup>	
20M 4 <sup>d</sup> Ditto	
5M Scupper D <sup>o</sup>	
2 fflaggots English Steel	
1 Blistered Ditto	
5 Grass Scythes & ffurniture	
5 Bramble Ditto & Ditto	
2 Strong Sand Riddles	
100 <sup>ll</sup> Single refined Sugar	
20 <sup>ll</sup> ozn <sup>s</sup> thread	
10 <sup>ll</sup> Coloured Ditto	
1 <sup>ll</sup> Jesuits Bark	
2 <sup>ll</sup> Powdred Ditto	
3 large Bullhides for ffurnace Bellows	

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Maryland Nov<sup>r</sup> 21<sup>st</sup> 1754

Sir

I Desire you will procure to be sent me next Spring by some  
Ship coming near Annapolis or to Patapsco the following

woollens Markt as  $\frac{3}{4}$  Margin and make Insurance that in Case of Loss the Principal and Premio may be reced with the Incident Charges which place to my Account. The Amount of those Goods & Charges shall be returned in Effects by the Ship that brings them or some other on which Terms I suppose any woollen Draper will Supply them.

I conceive the Goods and Charges will not amount to fifty pounds. Your Care herein will oblige

Sir

Y<sup>r</sup> hble Servt

C. C.

To Mr Godfrey Sykes

Merchant These

4 p<sup>s</sup> Welch Cotton  
 2 p<sup>s</sup> Blew half thick  
 2 p<sup>s</sup> Gray ffearnaught  
 4 p<sup>s</sup> Kerseys about 18<sup>d</sup>  $\frac{3}{4}$  yard  
 2 p<sup>s</sup> Stript Blanketing  
 1 p<sup>s</sup> Blew & 1 p<sup>s</sup> red Bear Skin

---

X<sup>br</sup> 31<sup>st</sup> 1754

Sir

The part I had with Mr Dulany in the Purchase & sale of Effects & convey'd by Mr John Galloway has been long since Settled with Mr Dulany by me and as I never had any Transaction with you on the ocation, I never did nor do deem myself in any way Accountable to you on that Head, And am with all due Respect . . .

To Doc<sup>r</sup> Ri: Hill

These

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Maryland March 21<sup>st</sup> 1755

Gentlemen

I reced your very kind Letter Dated 30<sup>th</sup> December last  $\frac{3}{4}$  the Galloway and for which I am very much obliged to you.

My Ship will well answer to take in Tobacco for you after Rawlings is Loaded shee will be ready to take in Tobaccoe in Patapsco River in June next and you have any Tobaccoe that you desire to be taken in her either up the Bay or as Low as Patuxent or Choptanck I will find good Decked Vessels to bring it on Board into Patapsco River and I will entirely referr to yourselves for any Proportion of such Charges.

I conceive it not needful to enter into any Charter party for I will take in Tobaccoe at the current ffreight that other Ships do and as the Ship will be consigned to yourselves you will have the Receipt of the ffreight Lumber and the Ship also for my Design is only to convert the Labour of my people & materials to Sterl money

As I am in hopes that this may come time enough for you to write to any of your ffriends within the former Compass to Ship their Tobaccoe I will take particular Care to have it brought on Board & anything in my power that may serve & promote your Interest . . .

To Mess<sup>rs</sup> John Hanbury & Co.  
Merchants in London  
The above ♢ the Biddeford Capt<sup>n</sup> Cole for Bristol.

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Annapolis 27<sup>th</sup> 1755

Sir

I reced the Inclosed from Mr Ballandine and as you will observe the Contents and his Letter being Dated I do not know but he may be about you still

I will let him have all the Castings Iron Work & Bellows

If no Gudgeons to answer there are Chambs to bring up the weight of the Gudgeons but on the whole he will only pay for weight and I referr the Value of the Boards to you and also the rest but you will observe their Cost to me.

Inclosed is an account of the Cost of the Leather Nails pipes &c. out of which you may please to make a Copy and of this Letter & send him if he be not there by which he will see he may have them if he takes all.

The Cordage you mention Cutt I cannot sell as I make it under 10<sup>d</sup>  $\frac{1}{2}$ lb at which you may have any in Return for the Hemp which they may take as they want or have Room.

I hope you will excuse the Trouble I give on the Affair of  
Mr Ballandines To whom if you write please to give my Service  
or if he be there.

I shall be glad to know your Sentiments in a Line of the value of the Things as they now are or whether the Iron work pipes Leather & nails be not worth first Cost Beside the making Boards &c.

If you know where & for whom Mr Ballendine is going to Build shall be glad you'd let me know in a Line <sup>to</sup> Mr Williamson

I am with Respect to Mrs Croxall & you . . .

NB. There is a good deal of iron work in the Boards which must be guessed at in Value & Tin Lead &c.

To M<sup>r</sup> Richard Croxall

W<sup>m</sup> Black Bo<sup>t</sup> of Thos Ridedout & James Davis  
March 14<sup>th</sup> 1749

6 very large Strong hdds wt 2fm: 3gs.. 18lb @ 10d	£13.. 11.. 8
ffor Carriage & Porter	—.. 2.. 6
Com <sup>n</sup> ffr <sup>t</sup> & Insurance thron @ 10 3/4 C <sup>t</sup>	1.. 7.. 5
	£15.. 1.. 7

W<sup>m</sup> Black . . . Bo<sup>t</sup> of Ambrose & Jn<sup>o</sup> Crowley Mar. 31<sup>st</sup> 1750

## Sterl

1 p <sup>r</sup> ffurnace Bellows pipes 5 ft long	£ 5.. 10.. —
Canvas & Cord	1.. 6
2M ffurnace Bellows nails 16/6	1.. 13.. —
3M Do	30/
1M Do	4.. 10.. —
Cash	2.. 5.. —
	—.. 2.. 6

Custom Entry Com <sup>r</sup> Sail <sup>rs</sup> fees & to eben <sup>rs</sup>	
Cart <sup>rs</sup> Portage	
Wharfge Lightge primage & Bills Lading	—.. 10.. 6
ffr <sup>t</sup> 2½ ♢ Ct	—.. 7.. 1
Com <sup>n</sup> 2½ ♢ Ct	—.. 7.. 5
Insurance on £17.. 10 @ 2½ ♢ Ct Com <sup>n</sup> & Por	—.. 15.. —
	_____
	£16.. 2.. —
	_____

NB. The above is the Cost of the things Specified

C: C:

	Sterl
Cost of Nails Bellows pipes Com <sup>n</sup> ffr <sup>t</sup> & Insur.	£16.. 2.. —
6 Hides Cost Sterl Com <sup>n</sup> Insur. ffr. & S	15.. 1.. 7
Castings of Mr <sup>r</sup> Lawson & Co	
	Curr
21 <sup>em</sup> .. 3gs @ 16	17.. 8
	_____
	£17.. 8— 31.. 3.. 7
	_____

Saws belonging to the ffurnace (2)w<sup>ch</sup> at the  
same as above

Iron work to the Bellows Boards

Ringers & oth<sup>r</sup> iron work belonging to the ffur-  
nace (2)w<sup>t</sup> & price ♢ Ton or Cent as its  
worth wrought.

The Bellows Board & making the Bellows Tin  
& Lead

An Acct of the Castings from Mr<sup>r</sup> Lawson viz.

Buck Staves 5<sup>em</sup> @ 16/ £14.. —.. —

4 Funnel plates 1 Dam plate 1 Twire plate  
2 Gudgeons

2 Brasses 16<sup>em</sup>.. 3gs @ 16/ 13.. 8.. —

£17.. 8.. —

Annapolis March 30<sup>th</sup> 1755

Sir

I am informed that my Land called Black Oak Land laid out by you near your Sons is not worth paying rent for this I had from Conrad Hogmire to whom I sent the Courses & desired he wod therein and if not too late to rectifie the same The Land called Killmore 190 acres that lies above Gillilands I understand has no water thereon and I am informed by Neal OGullion that there is a very good Spring & piece of Meadow Ground within a small distance thereof on the back of Lawrence Willsons called Green Spring.

If you will favour me by enquiring therein & send me a Sketch therof & whether worth my while to take up any addition to the said Land called Killmore or to Resurvey the same I will satisfie you for your Trouble therein Neal OGullion has promised to shew you the place But if he cannot I suppose James Gilliland or some others can.

Hogmire has the Courses of both Tracts as I doubt not but you yourself also have Your favour herein will much oblige . . .

To Mr Thos Prather  
of ffrederick County.

Annapolis April 4<sup>th</sup> 1755

Gentlemen

I have the Bill I reced for ten Ton pig iron you had of me Returned Protested it is now by the Laws of our Province which allows 15 3/4 Ct under 18 months on protests & 20 after £57.. 10 & 4/3 Charges in the whole £57.. 14.. 3 for which I desire you'll speedily send me good Bills with a Sufficient Endorser living in Maryland . . .

To Mess<sup>rs</sup> John & Wm Ballandine  
at Quoquan in Potomack  
Virginia

Annapolis April 2<sup>d</sup> 1755

Sir

Inclosed is a Special Warrant for 594 acres of Land dated this day five Hundred acres Whereof I desire may be laid according to the direction of Neal OGullion & John Pearce according to the directions in the first part of the same warrant and call the same Pearce's Farm.

The Remainder Ninety Four acres I desire you will Lay out adjoyning to my Land called Killmore so as to Include a place called Green Spring as Neal OGullion shall direct

M<sup>r</sup> Thomas Prather to whom I have wrote will Return you the Courses of these Two Survey's but if needfull in the Execution of such Warrant that you or your Deputy should be there I hope you will direct one to be there with M<sup>r</sup> Prather & OGullion soon

Your Favour in the Return of my Certificates of the Stage & Resurvey of High Germany will much oblige me as also the Leting me have the Common Warrants that are due to me that I may aply them this you were so kind as to promise me when I last saw you but I have not had a Line from you Since, pray in particular let me have the warr<sup>t</sup> of 1500 acres on w<sup>ch</sup> the Inclosed is Grounded.

In case that OGullion & Pearce should Incline to add more to the five Hundred Acres to be called Pearce's Farm please to do it by virtue of some other of my warrants in date

And if M<sup>r</sup> Prather should Judge it needfull to add to the ninety four acres be so kind as to do that allso & call the same Green Spring . . .

To M<sup>r</sup> Isaac Brooke

Surveyor Fred<sup>k</sup> County

¶ Neal OGullion

These

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Annapolis May 8<sup>th</sup> 1755

M<sup>r</sup> White

I shall want twenty Barrels of good merchantable Pork soon

which if you will bring up here for me I will give you the markett Price in Bills of Exchange to your liking I desire your Answer soon and when you can send the Pork up.

To M<sup>r</sup> John White in Princess  
Ann Town in Somerset County

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Annapolis 26<sup>th</sup> May 1755

Sir

I understand you are empowered by M<sup>r</sup> Grove to procure ffreight for him in Patapscoe from his ffriends thereabouts as he will have no Ship there I therefore thought proper to offer to take any Quantity under three hundred Hogsheads into my Ship now Building there and which will be Launched & ready to take in Tob<sup>o</sup> in 2 weeks at farthest in the fferry Branch Consigned to M<sup>r</sup> Grove If you think this of Service I shall be glad to hear from or see you on the occasion

To Capt<sup>n</sup> Jerningham Biggs  
Patuxent

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Annapolis May 30<sup>th</sup> 1755

Sir

I send the bearer Michael Morgan for what Staves you have ready for me Suitable to the London Markett and I doubt not but you will dispatch him and give me good Merchantable Staves as I depend on your Integrity in this Affair I shall not add but that I am with much respect . . .

P. S. You will please to favour me with a Line of each sort of Staves whether Pipe H<sup>ds</sup> or Barrell & the number of each

To M<sup>r</sup> Joseph Cox Gray  
Dorchester County

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Annapolis 30<sup>th</sup> May 1755

Sir

I desire you will deliver to Michael Morgan Skipper of my Schooner two hundred Bushels of Coal which I think you told me is Whitehaven and the price six pence Sterl  $\frac{3}{4}$  Bushell for which I will pay you on Demand and at the same Time I request you will dispatch him Your favour herein will much oblige . . .

To M<sup>r</sup> Philip Walker, Talbot County

6<sup>th</sup> June 1755

Sir

I presume to lay before your Excellency the two following Precedents as in either Case applicable to the mistake in my Certificate of Black oak Land viz: running S: 46 W. instead of S: forty six Degrees East The Course run by M<sup>r</sup> Tho<sup>s</sup> Prather who surveyed the Land and altho: M<sup>r</sup> Prather was not a Commissioned officer yet he was one by custom and Permission who had run many Lands for others as well as for me and whose returns were sent to the office by the Surveyor.

Caleb Dorsey by Petition to Benjamin Tasker Esq<sup>r</sup> President and Chancellor to alter a Course to a patent and Certificate and was Granted Two patents 1000 acres each upon Petition or Application of Nicholas Sewal to Benjamin Tasker Esq<sup>r</sup> President & Chancellor in 1753 were vacated and new warrants Granted both which appears in the Records of Land Office.

I do not desire to vacuate the patent if in the least Inconsistant with what may be his Lordships Interest altho the precedent of M<sup>r</sup> Sewal be for me I only desire to have the Land that was bona ffide intended to be included in my Survey that is to alter the above Course in the Certificate and Patent.

I make no doubt but the Clerk of the Land office will satisfie your Excellency that I never had a warrant of Resurvey on Black Oak Land It is true I had on the addition to Black Oak Land with Intention only to rectify the foregoing mistake that

is to take up the Land left out thereby which is still vacant, and which warrant I shall cancel if your Excellency will please to order the Course to be altered as before to which purpose I will if required get Mr Prathers Deposition to his Declaration laid before you, and apply by Petition or otherwise as I may have the favour to be Directed by your Excellency In keeping me to the Barren and Mountain Land included by the mistake of the Course Can be no Advantage to his Lordship but will be a Loss of so much as the value of warrant thereof to me, for I can and must Disclaim it unless your Excellency please to releive me.

I Take the Honour to assure you that I am with greatest respect . . .

To His Excellency Horatio Sharpe Esqr  
Present

Annapolis 16<sup>th</sup> June 1755

Sir

If you have any room to let me in for some Share of freight (in the Ship I am now ready to Launch at Patapscoe) to Mr Anderson or any other I shall be much obliged for the same and send a good secure Vessel for the Tobacco to such place as you may be placed to order it from . . .

The above sent to The Hon<sup>ble</sup>  
Edw<sup>d</sup> Lloyd & Mr Rob<sup>t</sup> Lloyd

Sir

I Recd y<sup>rs</sup> Dated Aug<sup>st</sup> 1<sup>st</sup> 1755 the Pigg Iron you Had on Long Cr on Honour on acct of w<sup>ch</sup> those Bills were Paid to me and as my Debt was Contracted here I expected it would have Been here also Discharged accordingly. I have Had Trouble and Charge Enough in writing and sending to Virginia heretofore and it is now Trifling to Desire me to send them to Virginia again that Mr Penalton may Discharge them in money and I Positively will not Do it and I Expect you will Imme-

diate Pay them with 15  $\frac{3}{4}$  Ct & 4 & 3<sup>d</sup> Charges of Protest according to the Laws of our Province the Reason why these Bills were Protested is for want of Effects so there needs no Copy or the Protest and it is Ridiculous to Desire it. I Desire you will without Shuffling Discharge the Bill as Protested with Charges as above and nor Give me or y<sup>r</sup>self any further Trouble on the occasion I am S<sup>r</sup>

Y<sup>r</sup> m<sup>o</sup> H<sup>ble</sup> St  
C. C.

Annapolis Aug<sup>t</sup> 10<sup>th</sup> 1755

P. S. I must Have the Bills Drawn Payable at thirty Days sight with a Good and sufficient Indorser of this Province

To M<sup>r</sup> John Ballendine  
at Oceoquan on Patowmack  
Virginia

**SOME NOTES CONCERNING SIR GEORGE CALVERT  
(1579-1632), FIRST LORD BALTIMORE,  
AND HIS FAMILY FROM THE  
ENGLISH RECORDS.**

By JOHN BAILEY CALVERT NICKLIN.

**ENTRIES FROM THE PARISH REGISTER OF ST. MARTIN'S-IN-THE-FIELDS, LONDON.**

*Baptisms:*

August 18, 1608. Mrs.<sup>1</sup> Dorothy Calvert.

November 18, 1609. Elizabeth<sup>2</sup> Calvert, daughter of Mr. George.

July 18, 1613. George Calvert.

December 5, 1615. Helen<sup>3</sup> Calvert.

March 8, 1617. Henry<sup>4</sup> Calvert.

January 31, 1618. John<sup>5</sup> Calvert.

*Burials:*

February 1, 1618. John<sup>5</sup> Calvert.

February 16, 1570. Henry<sup>6</sup> Calvert. (Probably a near relative of the Baltimore Family.)

<sup>1</sup> The modern "Miss."

<sup>2</sup> Elizabeth<sup>a</sup>, fil. Mr. George, in the original.

<sup>3</sup> Helena in the original.

<sup>4</sup> Henric' Colvard in the original.

<sup>5</sup> Joh'nes in the original.

<sup>6</sup> Henricus Calvert in the original.

BAPTISMAL REGISTER No. 1, BEXLEY, KENT. DIOCESE OF  
CANTERBURY.

March 2, 1606. Cecill Calvert, sonne p.rmogenit<sup>8</sup><sup>1</sup> of Mr. John<sup>2</sup> Cal't and M<sup>r</sup>is Anne Minne his wife. Ye godfathers were ye Earles of Cumberland<sup>3</sup> and Salsburie<sup>4</sup> whose substitutes were S<sup>r</sup> Oliffe and S<sup>r</sup> John Leighes;<sup>5</sup> ye godmother Lady Wooten,<sup>6</sup> substitute M<sup>r</sup>is Butler,<sup>7</sup> mother of M<sup>r</sup>is Cal't. (The ceremony was performed by William Luffe, Vicar, M. A. Oxon. From a letter to the compiler written by the Rev. Charles Moore, M. A., R. N., present Vicar of Bexley, sending a copy of the record.)

<sup>1</sup> Eldest.

<sup>2</sup> A strange error on the part of the parish clerk evidently, used instead of George.

<sup>3</sup> Henry Clifford (1591-1643), fifth Earl of Cumberland, was the only son of Francis (1559-1641), fourth Earl of Cumberland, the other godfather of Cecil Calvert.

<sup>4</sup> Robert Cecil (1563-1612), first Baron Cecil of Essendon, first Viscount Cranborne and first Earl of Salisbury. He was a son of William, Lord Burghley, Lord Treasurer to Queen Elizabeth. It was in honor of this Robert Cecil, Earl of Salisbury, that Cecil Calvert, afterwards the second Lord Baltimore, received his surname, the Earl having been the patron of the first Lord Baltimore. Frances Cecil (died Feb. 4, 1643/4), daughter of the first Earl of Salisbury, married, July 25, 1610, Henry Clifford (1591-1643), fifth Earl of Cumberland. Probably Frances Calvert, daughter of the first Lord Baltimore, was named in honor of Frances, Countess of Cumberland.

<sup>5</sup> Probably Sir Oliffe Leigh of Addington, who was born Nov. 24, 1559, and married Jane, daughter of Sir Thomas Browne (see Le Neve's *Knights*, p. 137). Sir John Leigh(es) was probably a brother or a near relative of Sir Oliffe.

<sup>6</sup> Unless she were the wife of Sir Henry Wotten (1568-1639), author and diplomatist, who was knighted by King James I, I cannot place her. Sir Henry Wotten left London in 1604 and was for many years ambassador abroad.

<sup>7</sup> Elizabeth, daughter of Sir Thomas Wroth (1519-1573) of Durance in Enfield, Middlesex, by his wife, Mary, daughter of Richard, Lord Chancellor Rich, temp. Henry VIII. Elizabeth Wroth, who died August 14, 1614, married twice: firstly, George Mynne (who died May 20, 1581); and, secondly, Nicholas Butler, Esq.

**EXTRACT FROM THE PARISH REGISTER OF ST. DUNSTAN'S-IN-THE-WEST, FLEET STREET, LONDON, E. C., VOLUME 4.**

"15 April 1632.<sup>1</sup> The Rt. hon<sup>ble</sup> George Lord Baltimore was buried from the backside of the Bell." [(Believed to be Bell Inn or Tavern, a house and grounds belonging originally to the Knights Hospitaliers of St. John.) (Cf. Walter G. Bell, "Fleet Street in Seven Centuries," p. 248, Pittman, London, 1912; and T. C. Noble, "Memorials of Temple Bar," p. 109, Bateman, London, 1869.) The present site is Bell Yard, adjoining the Royal Courts of Justice. (From a letter written by the Rev. Dr. A. J. MacDonald, present rector of St. Dunstan's.)]

<sup>1</sup> This date shows that Lord Baltimore did *not* die on April 15, 1632, as has been heretofore believed, but probably a few days or a week before the 15th. It is strange that Mr. William Hand Browne in his "George and Cecilius Calvert," pp. 33-4, falls in error by stating that the church of St. Dunstan's-in-the-West, Fleet Street, London, was destroyed by fire.

**EXTRACT FROM THE CHURCH WARDEN'S ACCOUNT BOOK OF ST. DUNSTAN'S-IN-THE-WEST FOR 1628/9-1644/5 UNDER "RECEIPTS FOR BURIALLS," PAGE 422.**

"Aprill. It <sup>1</sup> — the XV <sup>th</sup> for the ground in the Chancell for ye Lord Baltimore.	—
It. for the Knell. <sup>2</sup>	11s, 4d
It. for the Peales. <sup>3</sup>	8s
It. towards the cloth. <sup>4</sup>	2s

<sup>1</sup> Item. "the XV<sup>th</sup>" refers, of course, to the day of the month, the 15th. Apparently the charge for the ground in the chancel was unknown when the entry was made, or it had not been paid.

<sup>2</sup> Tolling the bell for a long period before the funeral.

<sup>3</sup> Joyful peal after the service (?).

\* Probably a pall over the coffin. A major part of this charge was paid. the full fee on the same folio ranges from 1/- to 3/4. (The last four notes are from the Rector of St. Dunstan's.)

EXTRACT FROM THE MARRIAGE REGISTER OF ST. PETER-  
UPON-CORNHILL, LONDON, E. C. 3.

November 22, 1604. Thursday. Mr. George Calvert of St. Martines in the field gentleman. And Mrs. Anne Mynne of Bexler in Hertfordshire, by license Cant. (The Register was signed by "Will'm Ashboold, parson.")<sup>1</sup>

<sup>1</sup> Bexley should be Bexley which is (now) in Kent. The license was issued from Canterbury and William Ashbold, then rector, evidently performed the ceremony as he signed the register. (Information from the Rev. J. A. Smith Bullock, present rector of St. Peter-upon-Cornhill).

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CLAIBORNE VS. CLOBERY ET ALS.  
IN THE HIGH COURT OF ADMIRALTY.

(Continued from Vol. XXVII, p. 214.)

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IX

High Court of Admiralty, Libels 100. № 63.

4 Nov. 1639. Allegation by Cleborne in Cloberry c. Cleborne.

Libels 100. № 63

Clobery et alia contra	Claiborne	}	Quodie Martin nomine procuratorio ut procurator legitimus dicti Clai- borne omnibus melioribus et efficaciori- bus via modo etc. dicit allegat etc. in his scriptis in jure proponit articulatim pront sequitur
Smith	Martyn		

1. Imprimis that in the yeares 1631, 1632, 1633, 1634, 1635, 1636, 1637 and in the months in the same yeares respectivelie concurring some or one of them the said William Clobery was desirous to make a joint stocke with the said Claiborne and others for a trade and plantacion uppon an Iland in the bay of

Virginia; and the said Clobery did then shew and demonstrate by many reasons that he conceived great hopes and likelihood that there was much profitt and benifitt to be made thereby, and that the trade of the French in Canada and Qebec might be brought downe that way into Virginia and to the said intended plantacion. Et ponit conjunction division et de qualibet.

2. Item that after the shipp the Africke was hired and victualled and made ready for the designe aforesaid, and after all the goodes and necessaries belonging to the said joint Stocke were laden aboard the said shipp, and after the said shipp with the servants and passengers was fallen downe to Gravesend, the said Clobery procured the commission articulate under the signett of Scotland to the effect libellate, and not before Att which tyme the said Claiborne told the Adventurers in the joint stocke that the said commission was not sufficient. And then the said Clobery promised to gett a firme and a large patent from the King both for the said trade and plantacion. Et ponit ut supra.

3. Item that Maurice Thompson of London Marchant on the behalfe of the rest of the partners was desired by them or some of them to goe down to the said shipp to dispatch all the business that concerned the said joint stocke, which he did accordinglie doe, and did make upp the accountes of the whole joint stocke, which were signed and underwritten by the said Thompson and the said Claiborne in a booke for that purpose, which booke the said Thompson did in the yeares 1633 and 1634 deliver to the said Clobery, together with all the accountes papers letters and writings touching the said trade plantacion and joint stocke. And the said Thompson and partners did then know of divers parcells of goodes which the said Claiborne had then on board the said shipp belonging to his owne private estate; and that they were noe way to be accounted into the joint stocke, and that the said Claiborne was not to be accountable for them or the profitt of them, but was to be free and att libertie notwithstanding his partnershipp or managing the said joint stocke to buy sell trade & trafique for himselfe and to his owne use with any English men or any others for any goodes servants cattle

or anything else of his owne private estate either upon the said plantacion or else where in Virginia. Et ponit ut supra.

4. Item that the said Maurice Thompson being at Deale to despatch the said shipp as is mentioned in the precedent Article did on the behalfe of the said partners make conclude and underwrite a covenant of the tenor of the first schedule hereunto annexed, and did upon his the said Maurice Thompsons returne to London shew one part of the said covenant underwritten by the said Claiborne and himselfe unto the said Clobery and partners, and certified them of theire proceedings in the despatch of the said shipp; Att which time the said Clobery and partners gave theire consent thereunto, and allowed of the said covenant, and of all that the said Claiborne and Thompson had done about the affaires of the said joint stocke. Et ponit ut supra.

5. Item that by the said covenant the said Claiborne did agree to join in partnershapp with the said Clobery and company onlie for the voyadge and trade then intended with the goodes and servants then adventured in the said joint stocke. Especially for the trade of beavers furrs and for sending corne to New England and Nova Scotia, and to raise a stocke of hoggs upon the said intended plantacion, and not otherwise. And that the said Claiborne was to give an account of the said trade and of his proceedings in the said plantacion so farr as concerned the said joint stocke. But the said Claiborne was not by the said covenant bound to give an account of his owne particular estate goodes or catle. And by the said covenant the said Claiborne was to have one fourth parte of the proceed and profit made by the said trade and plantacion, and that att leaste the said Claiborne should have recompence for his paines. And hath deserved above 100<sup>li</sup> per annum during his employment there. Et ponit ut supra.

6. Item that as the said Claibornes particular Estate was to be exempted from the joint stocke, soe the said Clobery and Murhead takeing other partners unto them did in annis domini 1636, 1637 send in the shipp the Sara and Elizabeth a cargazone

of goodes to the value of 700li or more to trade with the freemen of the said Island for tobaccoe or other commodities wherein the said Claiborne had noe interest. Et ponit ut supra.

7. Item that the said Claiborne before his goeing out of England in the said Shipp did advize that some other goodes should be bought, which he thought would be then necessary for the said trade and plantacion; whereunto the said partners replied that he the said Claiborne should buy the same or supplie any thing else that should be wanting there either in Virginia or else where, and they would allow the same in the accounts which the said Claiborne should keepe. And the said Claiborne in like manner should allow his proportionable part of 1/6 part for any disbursements which should be laid out here for the use of the said joint stocke. Et ponit ut supra.

8. Item That the said Claiborne told his said partners before his goeing out of England that the number of 16 or 20 Servants which they then intended to send was not sufficient to raise and mainetaine the said trade and plantacion; and that he the said Claiborne could procure some acquaintance and freinds of his that paid for theire passages and went freemen in the said Shipp the Affrica, and some freemen from Virginia and others to plant uppon the said plantacion; which motion the said partners approved of, and left it to the said Claiborne's discretion soe to doe, and to hire such men and Servants as he should want there. Et ponit ut supra.

9. Item That the said Claiborne, after his said arrivall uppon the said Island, findinge the companie of the said Servants belonging to the said joint stocke not to be of sufficient strenght or number against the Indians who were very treacherous there and had latelie cut of a plantacion and slaine 30 or 40 Dutchmen which lived not far from thence, and because the Indians sought and attempted to doe the like to the said plantacion, therefore the said Claiborne did procure divers freemen to plant uppon the said plantacion, and did hire divers servants without the assistance of both which said freemen and Servants the said trade and plantacion could not possiblie have bene

upheld and mainetained. Neverthelesse the said Claiborne did soe condicion and agree with the said freemen that they did not hinder the said trade or buy any beavers of the Indians for themselves or doe any hurt to any thing of the said joint stocke, but did very much assist and further the same. Et ponit ut supra.

10. Item that many of the servants sent in the said Shipp the Affrica did att theire first comeinge, whose names are mencioned in the accounts here annexed, and that most of them that remained were weeke men and not able to defend the Fort against the Indians. And that such Servants as the said Claiborne hired to saile the boates and for other occasions about the said plantacion in the said accounts mencioned were necessary for the said trade and plantacion; and such wages were paid unto them by the said Claiborne as are likewise sett downe in the said accounts. That the said wages are reasonable; that sutch servants deserved the said wages by theire labors; that they could have gained as much or more in Virginia, that other traders and planters that then hired men paid as great or greater wages. And that it had bene impossible for the said Claiborne with lesse then 40 or 30 men at the least to have managed the said trade and plantation without the said freemens assistance. That is was necessary in the months of March Aprill May and June for the said trade to keep att least 3 boates abroad well manned att the least with 6, 7 or 8 men in each of them with gunns armes and ammunition and other necessaryes which the said Claiborne for the most part did every yeare, as by the said accompte appeareth. Et ponit ut supra.

11. Item that the second Schedule hereunto annexed is a true and just account of disbursments paid laied out and expended by the said William Claiborne for the use and benefitt of the said trade plantacion and joint stocke; and all things therein conteyned were and are true and soe had and done and necessarily laid out and expended for the severall uses in the said accompt respectivelie expressed, and could not in the common estimacion of men experienced in these affaires be bought

provided and performed for or with a lesse charge then is sett downe in the said accounts. Ponit tamen de qualibet alia summa pecuniarum et de qualibet alio numero personarum etc. Et ponit ut supra.

12. Item that the said Cloberry and company were loath att the first setting forth of the said shipp to laye out soe much money as to buy a stocke of neate catle in Virginia. And that the said Claiborne told the said partners, in regard that milke would be needfull for the food and health of the people, he the said Claiborne would lend them some cattle which he had or could borrow in Virginia, that the people might have the use of the milke; But for the said cattle and the Encrease of them they should be wholly to the said Claibornes use or to the owner. And that the said Claiborne did accordinglie procure severall numbers of neate cattle, most of which belonged to the Estate of Sir Thomas Gates Knight deceased, to the number of 28 or 30; All which were females except 3 or 4 to be transported to the said Island; And that the milk of the said females was a very great benifitt and nourishment to the servants there both in sicknes and in health. And the freemen upon the said plantation would have beene willing to have given about 100*lb* of tobacco yearelief for the milk of everie cow there, and they the said freemen to have kept the said cattle and at the end of the said yeare to have restored the said cattle and theire encrease to the said Claiborne; And the like bargaine of hireing landing and restoring of cattle is usuall in Virginia. And the grasse and feed for such cattle is not usually esteemed there of any value, because that if it be not eaten with cattle it wasteth and fadeth away; there being then many thousand acres of land there, and which were unfreed and of noe valew to the said joint stocke. Ponit tamen de qualibet alio numero pecudum etc. Et ponit ut supra.

13. Item that the said Claiborne did in the time of his trading there with the Indians want trucking stufte from time to time, and expected allwayes to receive some from his partners in England according to theire promises as is libellate. And the

said Claiborne did provide pinnaces boates men and all things necessaire thereunto as is mencioned in the said accountes. And the said Claiborne if he had not wanted trucke-stuffe might have bought yearlie 3000 or 4000 beavers more then he did with the same boates men and meanes which he had provided for the trade or with very little more charge; soe that by the want of trucking stuffe and the unnecessary providing of things in expectacion of trucke was a great damage to the joint stocke and happened by the said Cloberryes and companyes or some of theire defaultes. Et ponit ut supra.

14. Item that from time to time divers yeares during the said Claibornes being there upon the said plantacion there was great want of Ammunition and of powder shott and gunns whereby the said trade was hindered and the plantacion was in great danger to be lost and the men to be cutt of by the Indians. And the people did much murmure and complaine to the said Claiborne thereof. And many other necessaries were alsoe wanting to the said plantacion and trade, especially servants apparell and necessaries for boates. And the said plantacion being 50 leagues from the shipping in Virginia the said Claiborne was faine to make many journeys and often send thither to his great hindrance; and was constrained to pay for all such commodities two for one or 50 per cent at least more than they cost here in England. And the said Claiborne paid the dearer because he deferred the buying thereof till the last shipps were come in expectacion of receiving supplies from the said Cloberry and partners. By which meanes it came to passe that every Servants apparell did yearly cost the said Claiborne 5li 10<sup>s</sup> att the least. Et ponit ut supra.

15. Item that by the said Claibornes industry & care and by the supplies which the said Claiborne procured and his other disbursements to the said plantacion thrived and prospered very well and better then any such Adventurers ever did in those parts. And that the interrupcion of the Marylanders and theire takeinge the boates and pinnaces of the said plantacion with the trucke and goodes in the same whereby the said plantacion

wanted corne, there killing of three men and the want of a patent as aforesaid was the greatest cause of loose and damage in the said joint stocke; and not by any want of industry care or meanes that the said Claiborne could use or procure. Et ponit ut supra.

16. Item that noe other Englishmen which traded with the Indians in the yeares aforesaid, made soe good voiadges or gott soe many beaver skinns for soe little trucke as appeares to be gotten by the said Claiborne and is mentioned in the foresaid accounts hereunto annexed. And that Captain Fleet M<sup>r</sup> Harmer and others that traded with those Indians att the same time did not make soe much gaines, but were still much indebted in regard of the great charges that were necessarily to be expended in that trade; nether have the Adventures for trade and plantacion to Maryland and Charles River beene profitable to the Adventurers as this plantacion and trade would have been if the said Cloberry and companie had supplied the same and procured a patent as aforesaid. Et ponit ut supra.

17. Item that our trade with the Indians is allwayes with danger of our lives; And that we usually trade in a shallop or small pinnace, being 6 or 7 English men encompassed with two or 300 Indians. And that it is as much as we can doe to defend our selves by standing on our guard with our armes ready and our gunns presented in our handes. Two or 3 of the men must looke to the trucke that the Indians doe not steale it, and a great deale of the trucke is often stole by the Indians though we look never soe well to it; alsoe a great parte of the trucke is given away to the Kings and great men for presents; and commonly one third part of the same is spent for victualls, and upon other occasions. And that the usuall manner of that trade is to shew our trucke, which the Indians wilbe very long and teadeous in viewing, and doe tumble it and tosse it and mingle it a hundred times over soe that it is impossible to keepe the severall parcells a sunder. And if any traders will not suffer the Indians soe to doe they wilbe distasted with the said traders and fall out with them and refuse to have any trade. And that therefore it is not

convenient or possible to keepe an account in that trade for every axe knife or string of beades or for every yard of cloath, especiallie because the Indians trade not by any certeyne measure or by our English waightes and measures. And therefore every particular cannot be written downe by it selfe distinctly. Wherefore all traders find it that it is impossible to keepe any other perfect account then att the End of the voiadge to see what is sold and what is gained and what is lefte. Et ponit ut supra.

18. Item that the supplie that was brought from the said Clobery and company for the said trade and plantacion in February 1632 was not sufficient for the said trade. And that the said Clobery and company then promised shortlie to send better and larger supplies. And that there was then great want of guners powder and shott boates apparrell and many necessaries, all which the said Claiborne supplied and bought in Virginia. And the said plantacion was afterwards two yeares unsupplied by the said Cloberry and partners. And that the supplie sent over in the James and Revenge in or about the month of December 1634 was not sufficient nor of goodes that were proper for the said trade and plantacion. And that the same if the valew of 321<sup>li</sup> laid out in Dutch hoes in coates blanketts and Kettles had beene expended in Dutch cloath and axes it would have yielded five times as much profitt as it did. That the Wampampege then sent was of to little a size for that trade, and that good Wampampege was then worth not above 10<sup>s</sup> a fathome in Virginia. And that of the Dutch cloath that was then sent 30 yards were rotten by salt water comeing out of England. Ponit tamen de quolibet alio tempore et de quilibet alia pecuniarum summa. Et ponit ut supra.

19. Item that it was not the said Claibornes advice to send Millwrights and to undertake projects of Mills rape oil iron workes or the like, because he had formerlie experience in Virginia that Marchants are usually in the like kind defective in sending all necessaries. And that the said Cloberry and company then sent noe Mill stones for the said Mills, but a paire

altogether unfitting; And that the said Cloberryes and Murheads covenants and promises for wages and other particulers were not performed by the said Cloberry and Murhead to the said Mill wrights and theire wives and others here appointed by them for the receiveing thereof, whereby theire wives were almost starved for want. And the said Mill wrights were discontented and hindered theire workes. And that the said plantacion and trade was afterwards unsupplied for two yeares next following, untill the beginning of the yeare 1637. Ponit tamen de quolibet alio tempore. Et ponit ut supra.

20. Item that the said Evelin first landed att the said plantacion in or about the months of November or December 1636, and was then very earnest in speaking several times against the pretended right of the Marylanders to the said trade and plantacion, and did speake ill language of the Governour of Maryland; and that the said Claibornes commission from the King and the Kings letter in confirmation thereof were very firme and strong against the said Maryland patent. Et ponit ut supra.

21. Item that in February following one John Godfellors did bring upp in his pinnace from the shipp the Sara and Elizabeth a supply of servants and goodes, which the said Evelin then said were by the said Cloberry and Murhead consigned to him the said Evelin. And the said Evelin did then give directions for the landing of them, and for the houseing of the said goodes in the stores and houses upon the said plantation. To which alsoe the said Claiborne did not shew any dislike, but said that though hee the said Claiborne knew not upon whose account the said Supplie was sent, yet in regard the said Evelin did then speake to the said Claiborne to advize and assist him the said Evelin in the imployment of the said Servants & goodes, as being better experienced in the said trade and plantacion. To which purpose alsoe the said Cloberry and Murhead did write to the said Claiborne out of England. Therefore the said Claiborne did accordinglie yeild his best assistance and advice therein. And the said Evelin the same

day that the said goodes arrived att the said plantacion tooke 7 peeces of the best trading cloath and 4 dozen of axes in the pinnace Elizabeth to goe a tradeinge into Potomeck River, of which the said Evelin hath not given any account. Et ponit ut supra.

22. Item that the said Claiborne in or about the 18<sup>th</sup> day of May 1637 being in preparacion to come for England according to the said Clobery and Murhead their advice in theire letters did there in the presence and in the hearing of divers freemen and Servants assembled upon the said plantacion make offer unto the said Evelin upon condicione that the said Evelin would give the said Claiborne for the use of the said Clobery and company a bond of 3000<sup>li</sup> not to allienate or sell the said plantacion or Iland or any part thereof unto the Marylanders or any other and not to receive or carry away any of the servants from the said Iland. that then he the said Claiborne would deliver unto the said Evelin all the goodes Servants and whatever belonged to the said Clobery and company in the said joint stocke according to the Inventory thereof made and prepared by the said Claiborne and the said Evelin, of which each of them had a coppie according to the said Cloberry and Murhead theire directions. But the said Evelin then and there denied and refused to give any such bond. Whereupon the said Claiborne replied that for his owne part and as farr as any waye it concerned him the said Claiborne he would not assign the said plantacion or any of the servants or goodes unto the said Evelin. Whereupon the said Evelin replied that he did not care to have any such assignment from the said Claiborne, and that he would recover them by law. And that the next day the said Claiborne departed for England. And that the said Evelin both while the said Claiborne was there and in his absence frelie disposed and ordered all the said plantacion and the said goodes and servants as he thought good and did appoint to the said servants theire laboures in severall companies, who followed and obeyed the said Evelin's directions. Et ponit ut supra.

23. Item that the said Evelin on the 21<sup>st</sup> day of the aforesaid month of May 1637, being aboard the said pinnace called the Elizabeth in the Bay of Virginia, and being demanded by the said Claiborne that both he the said Claiborne and the said Evelin might sign underwrite and deliver to each other the Inventory of the Estate of the said Clobery and company mentioned in the former article, but the said Evelin did then again denie to doe the same or to give any bond as aforesaid for the true conserveing of the said Estate Servants and plantacion according to a promise in the end of a letter of Atturnye made by the said Clobery and Murhead to the said Evelin, which he the said Evelin then first shewed to the said Claiborne. All with severall other particulers then done and acted were then testified in a writeing under the handes of Thomas Adam Robert Morrison and divers others. *Et ponit ut supra.*

24. Item that the said Evelin did by himselfe or some other with his privitye order or consent soone after the premises at Kecoughtan seize upon the said pinnace the Elizabeth and dispose of all or most parte of the corne and of the tobacco and other goodes laden aboard her to the valew of 600, 500 or at least 400*li.* *Ponit tamen de qualibet alia pecuniarum summa.* *Et ponit ut supra.*

25. Item that the said Evelin did in the beginning of June 1637 goe unto the court of the Governor and Councell of Virginia at James Cittie and there shewed his said letter of Atturney, which the said Governor and Councell allowed and att the petition of the said Evelin gave theire warrants for the seizeing upon all the goodes and boates in that colony which belonged to the said Clobery and company or to the said Claiborne; which said warrants were accordinglie executed. And att the petition of the said Evelin the said Governor and Councell did then also require and take bond of M<sup>r</sup> John Buttler with a condicion that he should not oppose or make or meddle with anye thinge that the said Evelin did concerning the estate of the said Clobery and company, which condicion the said John Butler afterwards observed. *Et ponit ut supra.*

26. Item that the said Evelin after the premises at midsomer or thereaboutes came unto the said plantacion and did there by vertue of the said letter of atturnye take and had full possession power and command of all the plantacions houses Mills goodes servants and whatsoever was mentioned in the aforesaid Inventory without any hindrance or interrupcion from the said John Buttler William Blizzard or any other in the said Claibornes right. But the said Evelin did order and direct all the said servants concerning theire labors; and the servants did obey the said Evelin as they had formerlie done to the said Claiborne. And the said Evelin did appoint divers of the Servants for the makeing of pipestaves to worke with Thomas Sturman and Thomas Kene coopers that is to say Howell Morgan Thomas White John Sturman Roger Baxter and Matthew Royden, which said Servants did make 50 thousand pipestaves before the Governor of Maryland tooke possession of them; and the said Evelin did then appoint Robert Turtle Mill right to grind corne at the Mill and to make cogg wheeles. And the said Evelyn did then appoint William Porter to make pipestaves or to tend the Mill in the said Turtles absence. And that originall Browne was by the said Evelyn lett goe free. And that Thomas Andley and John Scarbrough theire times of service was by the said Evelin sold and turned over to Serieant Heyward for the quantitie of 600*li* of tobaccoe to be paid yearlie during theire service. And that the said Evelin sold Edmund Parry his owne time for 300*ll* of tobacco. And that the said Evelin sold Vincent Manfields time of service to Nicholas Wright for 200*lb* of tobacco and that the said Evelin sold John Walker his time for 400*l* of tobacco yearlye. And that Mannioy Evelin was by the said Evelin placed at Patomeche to learne the language and had severall parcels of trucke with him which was sold and the said Evelin received therefore in beaver corne and other commodities to the valew of 200*l* or 300*li* att the least. And that the said Evelin did transport or caused to be transported and carryed to Maryland contrary to his Authority granted by the aforesaid letter of attorney John Ascu Edward Deering Andrew

Baker William Williamson and his wife John Hatch Phillip West John Dandy and John Hobson, and did there att Maryland employ and sett them to work upon a plantacion by which plantacion and other worke done there by them the said Evelin hath gained there Valew of 400li 300li or att least 250li. Ponit tamen de qualibet alia pecuniarum summa etc. Et ponit ut supra.

27. Item that the said Evelin by vertue of the said Cloberry and Murheads their said letter of attorney hath soe taken into his possession power and disposicion as aforesaid and hath disposed sold and made away parte of the household stufte truckeinge stufte together with all the other goodes and particulers mencioned in the aforesaid Inventory to the Inhabitants and freemen of the said Iland, and hath transported other part thereof to Maryland and to Virginia and there sold and disposed of Kettles trading cloath axes hoes knives gunns beades beavers furrs rigging of pinnaces provision for boates bedding puter linnen hoggs workeing tools and other goodes to the valew of 2000li 1500li or att leaste 1000li. Ponit tamen de qualibet alia summa. Et ponit ut supra.

28. Item that the said Evelin hath delivered and sold unto the Governor of Maryland severall peeces of Dutch trading cloath and other trucking stufte for which he hath reteined the valew of 150l or at leastli. Ponit tamen de qualibet alia summa. Et ponit ut supra.

29. Item that the said Evelin did goe severall times to Maryland soone after the departure of the said Claiborne and did there invite and persuade the Governor of Maryland to come with armed men to take possession of the said plantacion and Isle of Kent as being belonging to his Government And that the said Governor did say that he had not soe come to possesse the Isle of Kent unlesse the said Evelin had much urged and persuaded him untill newes had come out of England concerning Captain Claiborne. Et ponit ut supra.

30. Item that the said Evelin in or about the month of September or October after the premises 1637 did come upp to

the said plantacion from Maryland and brought a commission under the colony seale of Maryland, by vertue whereof the said Evelin was made commander of the said Isle of Kent. And by vertue of the said commission did summon the Inhabitants and freemen upon the said Iland to appeare before him at the ffort and did there in theire presence comand the patent of Maryland then brought upp with him by a gentleman of Maryland to be read, although the said freemen did not consent thereunto. Att which time it was demanded of the said Captain Evelin whether he was an agent for the said Cloberry and company or for the Marylanders. The said Evelin answeared he was for both. And the said Evelin further then said that whereas he himselfe had latelie there spoken to divers against the patent of Maryland. And that the said Claibornes commission was firme and good against the said patent and that the Marylanders had nothing to doe with the Isle of Kent nowe he the said Evelin was better informed and that he was formelie mistaken and wondered that the said Clobery & Murhead should be soe mistaken and overseene as he perceived now they were; But he himselfe now understood it better. Et ponit ut supra.

31. Item that the said Evelin then advised the said Inhabitants and freemen and all the servants that they should take heed what they did saying further that it would be better to live under the government of Maryland then under the government of Virginia, because they might carry theire commodities and theire tobacco and pipe staves into what country they would, which the Virginians could not, and persuaded them thereunto by many other priviledges and persuasions and did instance in many particulars wherein the said Claibornes commission was of noe force but was for Nova Scotia and other places neare to New England and did not give authoritie to trade in the bay of Virginia or Maryland. And that the said Governor of Virginia or Maryland. And that the said Governour of Virginia being latelie come from England had brought absolute authoritie from the King that the Isle of Kent should be under the government of Maryland and that he the said Evelin would not be the man

that should withstand or desire it, for he was capable what would follow after. And the said Evelin did att the same time command that the aforesaid letter of atturney from Cloberry and Murhead should be there read. Unto which Mr John Butler or all or most of the said freemen replied — Captain Evelin what needs that? Noe body doth interrupt you or hinder you in the Marchants busines. You have done already and may doe what you thinke good. None of us will meddle therewith. Et ponit ut supra.

32. Item that the said Evelin att his comeing for England from the said plantation did make severall letters of attorney and by the same did assigne over all the plantacions goods servants and estate of the said Cloberry and company upon the said Isle of Kent unto Mr Lugar Secretary of Maryland and the aforesaid John Walker, which said Mr Lugar & Walker have by themselves or theire assigns received for the same and by severall debts due from other men the Value of 600 500 or at least 400<sup>li</sup>. Ponit tamen de qualibet alia summa etc. Et ponit ut supra.

33. Item that the said Evelin did deliver or cause to be delivered unto one Thomas Smith about 60 yards of trading cloath full of holes and rotten in many places together with severall quantities of trucking stufte as axes hoes Knives combs etc. ffor which the said Thomas Smyth did deliver into the Mill unto Turtle 45 bushells of corne And the said Evelin did command the said Turtle to deliver the same corne and of other corne in the said Mill att a time when corne was scarce 57 bushells of meale. And the said Evelin sent the same 57 bushells of meale to Maryland, whereby the said servants had beene starved if the said Thomas Smith and other freinds of the said Claibornes had not supplied them. By whose supplies and by the profit made by the grinding of corne att the said Mill the servants did not want corne that yeare. Ponit tamen de qualibet alia quantitate etc. Et ponit ut supra.

*(To be Continued.)*

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## PROCEEDINGS OF THE SOCIETY.

*May 9th, 1932.*—The regular meeting of the Society was held to-night with the President in the Chair.

The following named persons, having been previously nominated, were elected to Membership:

*Active:*

Mr. Bruce H. Gallup

*Associate:*

Mr. Harry Wright Newman  
Miss Elizabeth J. Fisher

Dr. O. Josephine S. Baird was recognized by the Chair and introduced her cousin, Mrs. Macloinn V. Balmer, of Leupp, Arizona, who has been nominated for Associate Membership. Mrs. Balmer gave a brief account of the Navajoh Indians in the Desert, and the work being done by the Government with these Indians.

The following deaths were reported from among our members:

Mr. Thomas W. Kennedy, on March 20th, 1932.

Mr. Patrick J. McEvoy, on April 30th, 1932.

Dr. Amandus Johnson was introduced and gave a most delightful paper entitled, "John Hanson and the Swedish Settlements in Maryland."

At the close of the paper Judge Dawkins moved that a vote of thanks be extended to Dr. Johnson for his most interesting lecture, and asked Dr. Johnson to give his notes to the Society for preservation among its Archives, or for publication. The motion was seconded and unanimously carried.

*May 27th, 1932.*—A Special Meeting of the Society was held to-night, the Eastern Shore Society of Baltimore City being our guests.

In the absence of President W. Hall Harris, Vice-President Clinton L. Riggs was in the Chair.

Vice-President Riggs welcomed the members of the Eastern Shore Society and expressed the pleasure of the Society in being able to have them on such an occasion.

Dr. J. M. H. Rowland, President of the Eastern Shore Society, was recognized by the Chair; he greeted the members and guests and then turned the meeting over to Mr. George L. Radcliffe, Chairman of the Historical Essay Contest.

Mr. Radcliffe presented the winners of the Essay Contest with a twenty dollar gold piece, the prize for each successful county contestant, and the winner of the "Shore" Prize was presented with a pair of gold cuff links with his initials on one side and the seal of the Eastern Shore Society on the other.

The guests were invited to view the exhibitions of The Maryland Historical Society, and especially the collection of Washington Prints and the relics of Tench Tilghman which are exhibited in the Gallery of the Society.

Honorable B. Howell Griswold, Jr., was then recognized by the Chair and read a very interesting paper entitled, "Tench Tilghman." The paper was based upon very careful researches being made by Mr. Griswold on that subject.

Mr. Harrison Tilghman, a great grandson of Colonel Tench Tilghman, was in the audience. He was asked to come forward and meet the guests, which he did.

Dr. Rowland then expressed his appreciation for the courtesies extended to the Eastern Shore Society, by the Maryland Historical Society.

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*October 10th, 1932.*—The regular meeting of the Society was held to-night with the President in the Chair.

The Minutes of the last meeting were read and approved, as read.

Mrs. Frank M. Dick, elected an Active member of the Society in 1930, has made application for Life Membership and has contributed to the Permanent Endowment Fund the sum of One hundred dollars. It was moved, seconded and unanimously carried that Mrs. Dick be elected to Life Membership.

President Harris dwelt upon the loss the Society has suffered in the death of Vice-President DeCourcy W. Thom. The Chair then recognized Dr. J. Hall Pleasants; he reported as follows:

"The Council having adopted the following minute presents it to the Society as a motion to be acted upon, and forwarded to the family of the late DeCourcy Wright Thom on the behalf of the Society":

"In the death of DeCourcy Wright Thom, which occurred on the 6th of August, 1932, the Maryland Historical Society has lost not only one of its Vice-Presidents but a member who for nearly a half century has shown the deepest interest in its welfare. While the public press has already given expression to the high regard in which the community at large held this public spirited citizen, it is appropriate that a special record be made of the peculiar loss suffered by this Society and of the affectionate regard in which he was held by its members.

"Of the numerous activities which absorbed the energies of a long life, an interest in history, especially that of his native state, was a dominant one. Born in Baltimore, October 14th, 1858, he divided his allegiance between his native city and the Eastern Shore, where he spent much of his time at his country home, Blakeford, in Queen Anne's County, the old Wright plantation which he had inherited from his mother's family. His interest in the local history of Queen Anne's was especially marked.

"Elected a member of the Maryland Historical Society in 1884, he held important committee chairmanships at various times, and in 1916 became Vice-President. He took the greatest interest in all that concerned its fortunes, was in constant attendance at the meetings of the Society and of the Council, and took a leading part in the establishment, in 1906, of the *Maryland Historical Magazine*. His historical papers, many of which were read before this Society, cover a wide field, ranging in scope from scholarly studies on the influence of Maryland upon the development of the nation to sketches of interest to those who prefer to delve into the local history and traditions of

Queen Anne's County. The list of his historical contributions is not a brief one. He showed a deep concern in preserving intact all that relates to Maryland's past. He took an active part in restoring the Old Senate Chamber in the State House at Annapolis, helped to organize the Society for the preservation of Maryland Antiquities, and was a deeply interested member of the Tercentenary Commission recently appointed by Governor Ritchie to commemorate the founding of Maryland.

"It is not possible to record here DeCourcy Thom's numerous activities in the fields of philanthropy, government, education and finance. His fearless and tireless efforts to advance the public good in the state to which he was so devoted are too well known to need repetition. Nor to those who knew him as did the members of this Society, is it necessary to dwell upon the personal characteristics which made him the lovable figure that he was to such as had the privilege of his friendship. With a distinguished family background, which found its roots in Virginia through his father and in the beginnings of Maryland on the distaff side, he carried down to this latter day in his manners and feelings the finer traditions of an era when the claim to be a gentleman in the sense that DeCourcy Thom was, implied a conception of obligation and responsibility to the public such as he recognized and lived up to."

The motion was seconded and unanimously carried.

It was reported that Dr. James D. Iglehart, Chairman of the Membership Committee, a member of the Council, and a member of the Society since 1893, is seriously ill.

It was reported that Miss Lucy Harwood Harrison, who is now in her fiftieth year of service as one of the staff of this Society, met with an accident causing her to be confined to the hospital with a fractured hip.

It was reported that the Society has suffered the loss by death of Mrs. Louis H. Dielman (Anna Barkdoll) who for several years has executed such beautiful and delicate work in preserving our manuscript collection.

The death of Mrs. Joseph H. Day of Atlanta, Georgia, was reported. Mrs. Day was the daughter of our late President Brantz Mayer.

The following deaths were reported from among our members:

Mrs. Oscar E. Webb (Grace Cassard), on May 29th, 1932.

Colonel Oswald Tilghman, on June 17th, 1932.

T. Howard Fowler, M. D., on July 17th, 1932.

W. H. DeCourcy Wright Thom, on August 6th, 1932.

B. Howard Haman, on September 13th, 1932.

Henry W. Catlin, on September 26th, 1932.

Edward Guest Gibson, on October 4th, 1932.

Honorable J. Charles Linthicum, on October 5th, 1932.

John P. Baer, on July 26th, 1932.

Dr. Henry J. Berkley was recognized by the Chair and offered the following resolution, which was seconded and unanimously carried:

*Resolved*, that the Maryland Historical extend to Miss Maria Lovell Eaton and Mrs. Charles R. Weld its appreciation, and grateful thanks, for the rare and choice collection of portraits, beautiful porcelains and glass, with which they have furnished their room on the second floor. The Historical Society assures them that in the future it will take every care of this collection, and a note to that effect will be sent to them.

Mr. David Wilson Glass gave a most interesting talk on "Some Sidelights on Old Somerset," which was illustrated with slides.

Mr. John L. Sanford moved that a vote of thanks of the Society be extended to Mr. Glass for his most entertaining and instructive address. The motion was unanimously carried.

Adjourned.

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## NOTES.

*The Washington Ancestry and Records of the McLain, Johnson, and Forty Other Colonial Families*, prepared for Edward Lee McLain by Charles Arthur Hoppin, 1932. Quarto, cloth, profusely illustrated, numerous charts, indexed, 3 volumes. Limited edition of 300 copies. Price, \$50.00.

This work on the ancestry of Washington and the pedigree of Edward Lee McLain and his wife, is Mr. McLain's contribution to the bi-centennial of Washington's birth. It is difficult to speak temperately of this sumptuous and outstanding genealogical work, for no expense has been spared in paper, printing, binding and illustrations to bring the work as near perfection as it is given to mortal hands to accomplish. Each of the three volumes contains the table of contents and index of all three volumes—a very unusual feature and one of great convenience for ready reference. The Maryland Historical Society is under great obligations to Mr. McLain for this splendid gift.

This work has been exhaustively reviewed from the technical standpoint, in the New York Genealogical and Biographical Record, Vol. 63, p. 310.

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*With Pen and Pencil on the Frontier in 1851.* The Diary and sketches of Frank Blackwell Mayer. Edited with an Introduction and notes by Bertha L. Heilbron. The Minnesota Historical Society, St. Paul, 1932. \$2.50.

This important work by Frank B. Mayer, Librarian of the Maryland Historical Society, from 1848 to 1850, is one of the most interesting documents that it has been our pleasure to receive. While primarily of interest as a contribution to the history of Minnesota, it has a strong local appeal as the work of a distinguished Marylander, who was deeply interested in the literature, antiquities and the early social life of his native state. The introduction by Miss Heilbron is a most delightful and illuminationg essay on the life and work of the author.

The Minnesota Historical Society is to be congratulated on this, the first volume of "Narratives and Documents" in its publications.

STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION,  
ETC., REQUIRED BY THE ACT OF CONGRESS OF AUGUST 24, 1912,

Of Maryland Historical Magazine, published quarterly at Baltimore, Md., for  
October, 1932.

State of Maryland, City of Baltimore, ss.

Before me, a Notary Public, in and for State and county aforesaid, personally appeared Louis H. Dielman, who, having been duly sworn according to law, deposes and says that he is the Editor of the Maryland Historical Magazine and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management (and if a daily paper, the circulation), etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, embodied in section 411, Postal Laws and Regulations, printed on the reverse of this form, to wit:

1. That the names and addresses of the publisher, editor, managing editor, and business managers are:

Publisher, Maryland Historical Society, 201 West Monument St., Baltimore, Md. Editor, L. H. Dielman, 1 East Mt. Vernon Place, Baltimore, Md. Managing Editor, none. Business Managers, none.

2. That the owner is: Maryland Historical Society.

W. Hall Harris, President	Heyward E. Boyce, Treasurer
Richard M. Duvall, Vice-President	George L. Radcliffe, Secretary
Clinton L. Riggs, Vice-President	James E. Hancock, Secretary

No stock. Organ of Maryland Historical Society. W. Hall Harris, President, 201 West Monument St.

3. That the known bondholders, mortgagees, and other security holders owning or holding 1 per cent or more of total amount of bonds, mortgages, or other securities are: (If there are none, so state.)

None.

LOUIS H. DIELMAN,  
*Editor.*

Sworn to and subscribed before me this 29th day of Sept., 1932.

EDWIN T. SICKEL,  
*Notary Public.*

My commission expires, May 1, 1933.

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WANTED, the names of the parents of Anna Maria Howard, b. 1775, married Feb. 11, 1804, Richard Shipley of Baltimore, Md. She died in 1857, and was buried at Wesley Chapel, Carroll County, Maryland.

Mrs. Winchester Brinton,  
14 Cranford Ave., Cranford, N. J.

## THE MARYLAND HISTORICAL SOCIETY.

Members of the society are requested to solicit contributions of books, maps, portraits and manuscripts of historical value or importance, particularly such as may throw light upon the political, social or religious life of the people of Maryland.

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## INDEX TO VOLUME XXVII.

(Names of Authors, Titles of Contributed Papers and Original Documents in small capitals; book titles noticed or reviewed are in italics.

*Achash* (ship), 273.  
*Action* (ship), 307.  
Adam, Thomas, 348.  
Adams, *Rev.* Alexander, 29.  
    John Quincy, 122.  
    Samuel, 7.  
*Africa* (ship), 20, 21, 100, 101, 205,  
    208, 212, 338-342.  
Aisquith, William, 29.  
*Albion* (ship), 272.  
Alexander, *Capt.* Charles, 7.  
*Alfred* (ship), 255.  
Allnut, Christina Virginia (Hance),  
    145.  
    Henry, 145.  
Alrichs, Peter, 123, 124.  
Alston, Theodosia (Burr), 181.  
*Anacreontic Society*, 120.  
Anderson, William 230, 320, 333.  
Andley, Thomas, 349.  
*Andrew Doria* (ship), 255.  
Andrews, *Capt.* John, 271, 272.  
    Rev. John, 34.  
    *Capt.* Nicholas, 272.  
Arbuthnot, *Comr.* Marriot, 254.  
*Aristides*, *pseud.* of Alexander C.  
    Hanson, 293.  
Armstrong, Robert, 36.  
Arnold, 297.  
Ascu, John, 349.  
Ashbold, William, 337.  
*Asia* (ship), 244.  
Askew, *Capt.* Thomas, 228.  
*Atlas* (ship), 271, 272.  
Atwood, William O., 46.  
Austin, Elizabeth (Marshall), 172.  
    Samuel, 172.  
Bache, Benjamin Franklin, 12, 13.  
Bacon, William, 239.  
Baer, John P., 357.  
Bagg, Herbert, 145.  
    Herbert B., 145.  
    Mary Christine (Carter), 145.  
Baird, *Dr.* O. Josephine S., *elected*,  
    43, 353.  
Baker, Andrew, 350.  
    Peter, 35.  
    William G. *Jr.*, 154.  
Baldwin, Anna Maria (Thomas),  
    145.  
    *Rev.* Charles W., 145.  
    Willard F., *elected*, 44.  
Ballantine, John, 326, 327, 329, 334.  
    William, 326, 327, 329.  
Balmer, *Mrs.* Malcolm, 353.  
Baltimore, Cecilius Calvert, 2d  
    *Lord*, 18 *ff.*, 85, 111, 191 *ff.*, 335.  
Baltimore, George Calvert, 1st *Lord*,  
    334 *ff.*  
*BALTIMORE*, *Lords*, *see also Calvert*.  
*Baltimore American*, 40.  
*Baltimore and Ohio Railroad Company*, 117.  
*Baltimore Assembly Rooms*, 120.  
*BALTIMORE COUNTY LAND RECORDS*  
    *of 1671*. *Louis Dow Scisco*, 123.  
*BALTIMORE DURING THE TIME OF*  
    *THE OLD PEALE MUSEUM*. *Raphael*  
    *Semmes*, 115.  
Bamford, *Capt.* William, 240 *ff.*,  
    296 *ff.*  
*BAMFORD'S DIARY*, 240, 296.  
*Barbara* (ship), 104.  
Barber, *Mrs.* Gertrude A., 167, 168.  
Barker, *Mrs.* Lewellys F., *elected*,  
    44.  
Barnes, Abraham, 215.  
    *Mrs.* Edgar, 164.  
    Richard, 34.  
    Jemima, 261.  
Barnum's Hotel, Baltimore, 120,  
    121.  
Barrett, John, 245, 246, 247.  
Barroll, *Mrs.* Hope H., 17.  
Barry, *Capt.* John, 7, 8, 9, 10, 11.  
    Standish, 45.  
Bartlett, Josiah, 7.  
Barton, Randolph, *Jr.*, 154.  
Battle of King's Mountain, 1780,  
    128 *ff.*  
Battle Monument, Baltimore, 116.  
Battle Town, Calvert Co., 37.  
Baugham, *Mrs.*, L. Victor, *elected*,  
    44.  
Baxter, Roger, 349.  
"Bayley," 125.  
Baylye, Godfrey, 124.

Beale, Eusebius, 123, 125.  
 Beall, Samuel, 322.  
 Beard, Alexander, 35.  
 Beaton, *Mrs.* Florence Read, 169.  
*Beaumont* (ship), 218, 222.  
 Beaver, John, 32.  
 "Beaver Neck," 124, 125.  
 Beckford, 97.  
 Becroft, George, 31.  
 Bedwell, Roger, 126.  
 Beers, Walter W., 154.  
*Bellisle* (ship), 14.  
 Belt, *Col.* Jeremiah, 29.  
 Bening, John, 127.  
*Berge* (ship), 10.  
 Berkley, *Dr.* Henry J., 43, 154, 260, 357.  
**BERKLEY, Dr. HENRY J., Colonel Isaac Shelby and other Maryland Heroes of the Battle of King's Mountain, October 7th, 1780.** 128.  
 Bernard, John, 118, 122.  
**BERNARD, RICHARD CONSTABLE, John Marshall.** 46.  
 Berry, *Mrs.* Edward W., *elected*, 43.  
*Betsy* (ship), 271, 272.  
*Betty* (ship), 13.  
 Bevan, Roberto F., 168.  
*Biddeford* (ship), 326.  
 Biddle, *Capt.* Nicholas, 7.  
 Biggs, *Capt.* Jerningham, 331.  
 Billstein, Nathan, 46.  
 Bingham, William, 9, 12.  
 Birkhead, *Mrs.* Hugh, *elected*, 153.  
 Bishop, Eleanor S., 143.  
     Eleanor (Sweetser), 143.  
     John, 143.  
 Bissell, Elinor (Latané), 150.  
     John Latané, 150.  
     William T., 150.  
 Black, William, 220 *ff.*, 317, 319, 320, 327.  
*Black Bear Taverns Inn*, 121.  
 "Black Oak," 217, 329, 332, 333.  
 Blackman, Jeremy, 17.  
 Blackston, Ebenezer, 127.  
**BLAKE FAMILY, 7.**  
 "Blakeford," 2, 3, 5.  
 Bleakley Bible, 166.  
*Blessing's Success* (ship), 273.  
 Blizzard, William, 349.  
 Block, Dan, 126.  
 Bloodgood, *Mrs.* Joseph Colt, *elected*, 45.  
 Blower, John, 127.  
 Boggs, *Dr.* Thomas R., *elected*, 44.  
 Bohemia Back Creek, 123, 124.  
 Bohemia Manor, 123.  
 Bohemia River, 126.  
 Bolander, Louis, 17.  
 Bolton, John, 35.  
*Bon Homme Richard* (ship), 8.  
 Bonaparte, Betsy (Patterson), 119.  
 Bonney, Jacob, 216.  
 Booker, Elizabeth (—), 124.  
     Richard, 123, 124.  
 Boon Family, 168.  
 Bostock, Thomas, 126.  
 Boucher, *Rev.* Jonathan, 31.  
 Bouldin, William, 127.  
 Bowen, Jesse N., 154.  
     Samuel, 127.  
 Bowie, *Rev.* John, 34.  
 Bowles, *Mrs.* Thomas H., *elected*, 44.  
 Boyce, Heyward E., 154, 158.  
 Boyd, *Dr.* John, 36.  
 Boyer, Richard, 125.  
 Braddock, *Gen.* Edward, 81, 82, 131.  
 Bradstreet, *Major*, 309.  
 Brailey, *Capt.*, 272.  
 Bratton, Anne Rush, 168.  
 Bratton Bible, 168.  
**BREED FAMILY**, 139, 147.  
 Brent, Alice R., 154.  
 Britton, *Mrs.* Winchester, *elected*, 153.  
 Brocas, George, 123, 127.  
     William, 123, 127.  
 Brogden, *Rev.* William, 29, 30.  
 Brookes, Isaac, 218, 322, 330.  
 Brooks, James, 33.  
 Brown, *Capt.* James, 272.  
     *Rev.* Thomas, 31.  
 Browne, 349.  
 Browne, Jane, 335.  
     *Sir* Thomas, 335.  
     William Hand, 95, 336.  
 Bruce, Howard, 154.  
*Bruin* (ship), 39.  
*Buchanan* (ship), 225, 316.  
 Buchanan Bible, 168.  
 Buchler, Julius F., 143.  
     Louise E. (Forbes), 143.  
 Buckley, *Mrs.* William G., *elected*, 43.  
 Buckingham, Thomas, 31.  
 Bullard 255, 257, 259, 296, 297.  
 Bullock, *Rev.* J. A. Smith, 337.  
 Burch, William, 238.  
 Burgen, Robert, 127.  
 Burgess, Basil, 31, 33.  
 Burghley, William, *Lord*, 335.  
 Burgoon, Jacob, 30.  
 Burgoyne, *Gen.* John, 259, 303, 304, 306, 309.  
 Burr, Aaron, 178, 179, 181, 184.  
     Theodosia, 181.  
 Burrage, Alvah, 147.

Burrage, Elizabeth, 141, 146.  
 Thomas, 145.

Butler, *Gen. Benjamin*, 279.  
 Elizabeth (Wroth) Mynne,  
 335, 336.

John, 348, 349, 352.

Nicholas, 336.

Pierce, 283.

Byrd, *Major George*, 311.

Byrne, Robert Stralford, 239.

"Cabbins Neck," 125.

*Cabbot* (ship), 255.

Calder, James, 30.

Calhoun, John C., 295.

Calvert, Anne Minne, 335.  
 Benedict, 32, 33, 83, 239.  
 Cecil, 335.  
 Dorothy (—), 334.  
 Elizabeth, 334, 335.  
 Frances, 335.  
 George, 334.  
 Helen, 334, 335.  
 Henry, 334, 335.  
 John, 334, 335.

**CALVERT**, *see also BALTIMORE, Lords.*

**CALVERT COUNTY COURT HOUSES AND RECORDS.** *Louis Dow Scisco*, 36.

Calwell, Ella Lowry, 169.

Cambern, Leon J., 168.

Cambron Family, 168.

Cameron Family, 168.

Cammeror, Henry, 216.

Campbell, Duncan, 264, 266, 267,  
 268, 269, 270.  
 Col. H. Fletcher, 240.  
 Col. William, 128 ff.

**CAPTAIN LAMBERT WICKES, C. N.**  
*By DeCourcy W. Thom.* 1.

"Captains of Ships Club," Philadelphia, Pa., 8.

Carlton, *Gen. Guy (Lord Dorchester)*, 259.

Carr, John, 124.  
 Joseph, 147.  
 Paul, 31.  
 Thomas, 147.

Carrigan, W., 303.

Carroll, Charles, *barrister*, 223, 224,  
 225, 314 ff.

**CARROLL, Dr. CHARLES, of Annapolis, Extracts from Account and Letter Books**, 215, 314.

Carroll, Charles, *of Carrollton*, 84,  
 92, 93, 94, 97, 118, 182.

Carroll, *Mrs. Charles G. (Elizabeth Swann)*, *elected*, 46.

Carroll, James, 168.

Carter, David E. T., 145.  
 David Thomas, 143.  
 Florence (Thomas), 145.  
 John M., 145.  
 Mabel, 145.  
 Mary Christine, 145.  
 Sarah Randolph, 167.

Carter, *Lt. William*, 249, 259, 297.

Cary, Walter, 124.

Cassard, Grace, 357.

Castelle, *Mrs. Virginia*, 44.

Caswell, *Gov. Richard*, 132.

Catawba River, 136.

Catlin, Henry W., 357.

Cator, George, 154, 171.

Caulk's Field, 3.

Cecil, Frances, 335.  
 Robert, *1st Baron Essendon*, 335.

"Cedar Point Farm," Kent Island, 7.

Cedar Springs, Battle of, 133.

*Centurion* (ship), 252.

Chamberlaine, Anna Louise (Me-dairy), 145.  
 Robert Lucas, 145.  
 Samuel, 33.

Chapman, Richard, 123.  
 W. J., 152.  
 William, 125.

*Chapman* (ship), 225.

Charleton, Arthur, 216, 217.

Chase, Jeremiah T., 182, 294.  
 Samuel, 88, 94, 95, 178, 182,  
 294.

*Chatham* (ship), 252, 298.

Cherault, *Mrs. Inez Baleman*, 166.

Cherokee Indians, 133, 134, 137.

Chester Parish, Kent Co., 32, 34.

Chesterfield, Charles Garth, *earl*, 97.

Chestertown, Kent Co., 3, 5, 6.

*Chestertown Transcript*, 17.

Cheston, *Mr.*, 315.

Chickassaw Indians, 137.

"Chilberry Hall," 125.

Christ Church Parish, Queen Ann's Parish, 34.

Christie, James, 273.  
 Robert, 273.

Chronicle, *Mayor William*, 134.

City Spring Fountain, 116.

Claiborne, William, 17 ff., 99 ff.,  
 191 ff., 337 ff.

**CLAIBORNE vs. CLOBERY ET AL IN THE HIGH COURT OF ADMIRALTY**, 17, 99, 191, 337.

Clapham, John, 33, 239.

Clark, Ernest J., *elected*, 44.  
 Clark, George Rogers, 132.  
 Claxton, Adam, 124.  
 Claybaugh, Bettie, 145.  
 Cleveland, *Col.* Benjamin, 129, 130, 134.  
 Clifford, *Frances* (Cecil), 335.  
     *Francis*, 335.  
     *Henry*, 335.  
 Clinton, *Gen.* Henry, 258, 306, 307.  
*Cliosophic Society*, 179.  
 Cloberry, William, 17 *ff.*, 99 *ff.*, 191 *ff.*, 337 *ff.*  
 Cock, Ann, 126, 127.  
     *John*, 126, 127.  
 Cock-Cox Family, 168.  
 Coeke, *Capt.* H. C., 17.  
 Cocksen, *Capt.*, 220.  
 Coffen, Abraham, 126.  
     *Joyce* (—), 126.  
 Cohen, *Miss* Eleanor S., 166.  
 Cohn, *Mrs.* E. Herrman (Doris Maslin), 167.  
 Cole, *Dr.* J. Wesley, *elected*, 46.  
     *Capt.* John, 271, 326.  
     *Mrs.* William P., *elected*, 260.  
 Coles, *Dr.* Stricker, 168.  
*Colin* (ship), 272.  
 Collett, John, 123, 124, 125.  
 Collier, John, 124, 125.  
 Collins Family, 168.  
 Collins, Charity, 262.  
     *Elizabeth Sprigge* (Cresap), 262.  
     *Richard*, 125, 126.  
     *Thomas*, 262.  
**COLONEL ISAAC SHELBY AND OTHER MARYLAND HEROES OF THE BATTLE OF KING'S MOUNTAIN, October 7th, 1780. *Henry J. Berkley, M. D.*, 128.**  
*Columbus* (ship), 255.  
 Colvard, Henric, 335.  
 Colvert, Henricus, 335.  
 COMMISSION Book, 82, 29.  
*Congress* (ship), 10.  
 Conway, Henry Seymour, 97.  
 Cony, Alexander, 126.  
 Cook, Jane James, 154, 166, 171.  
 Cooke, Bethia, 140.  
 Cooper, *Mr.*, 267.  
 Cooper, William, 226, 227.  
 Cooper's Cove, 123.  
 Corbin, *Mrs.* John W., 43.  
 Corner, Thomas C., 151, 154, 170.  
**CORNSTALK, *Indian Chief*, 131.**  
 Cornwallis, *Lord* Charles, 136.  
 "Could Comfort," 126.  
 Coursey Creek, 3.  
 Cox Family, 168.  
 Cox, David, 131.  
     *Mrs.* Elinor J. (Junkins), 150.  
     *Littitia*, 131.  
 "Crab Hill," 126.  
 Craddock, Ann, 45.  
     *Rev.* Thomas, 45, 164.  
 Crane, Stephen, 7.  
**RAVEN, *AVERY*. *Edmund Ruffin*, 262.**  
 Crawford (ship), 14.  
 Craymer, *Capt.* Matthew, 271.  
*Creagh* (ship), 228, 230.  
 Creagh, *Capt.* James, 222.  
     *Patrick*, 222.  
 Cresap, *Col.* Daniel, 262.  
     *Elizabeth Sprigge*, 262.  
     *Capt.* Michael, 180, 183.  
     *Col.* Thomas, 81.  
 Critchard, John, 38.  
 Criver, Philip, 217.  
 Cronin, *Mrs.* Korine S., *elected*, 46.  
 Crosby Bible, 168.  
 Crowley, Ambrose, 327.  
     *John*, 327.  
 Croxall, Richard, 315, 327.  
     *Mrs.* 327.  
 Culbreth, *Dr.* David M. A., 144.  
     *Elizabeth (Gardner)*, 144.  
 Cumberland, *Frances Cecil, lady*, 335.  
 Cumberland, *Francis Clifford, 4th earl*, 335.  
 Cumberland, *Henry Clifford, 5th earl*, 335.  
 Curry, Kate, 167.  
 Dandy, John, 44, 350.  
     *Joseph C.*, *elected*, 171.  
 Daran, Elizabeth, 169.  
 Dare, *Capt.* John, 225.  
 Darnal, John, 318.  
 D'Arusmont, *Frances*, 116.  
 Davenport, *Henry B.*, 168.  
 Davidge, *Rebecca*, 172.  
 Davie, *Capt.* George, 270, 271.  
 Davis, Daniel, 216.  
     *Capt.* George, 315.  
     *James*, 327.  
 Davison, *Capt.*, 224.  
 Davison, *Caroline V.*, 164.  
     *Elizabeth*, 164.  
 Dawkins, *Judge* Walter I., 154, 155, 353.  
 Day, *Mrs.* Joseph H., 357.  
 Deane, Silas, 7, 12, 13, 14.  
 Decatur, Stephen (*Portrait*), 169  
 Dechard (Decker), 136.

Deep Creek, 125.  
 Deering, Edward, 349.  
*Defence* (ship), 208.  
 DeForest, L. Effingham, 167.  
 Delabarre, John, 18, 106.  
 Dempsey, Mary (Dryden), 144.  
     W. H., 144.  
 Dennis, John M., 154, 163.  
     Samuel K., 154, 163.  
 Denny Bible, 167.  
 Dent, Peter, 30.  
 DePeyster, 130, 136.  
 Desjardins, I., 124.  
 Dew Family, 168.  
 Dew, Philip Hollyday, *elected*, 171.  
     Theodore M., 168.  
 Dick, *Mrs.* Frank M., 354.  
 Dielman, Louis H., 45, 46, 154, 162,  
     164, 167, 170, 171.  
     *Mrs.* Louis H. (Anna G.  
     Barkdoll), 356.  
 Dinwiddie, Robert, 82.  
 Dixon, Jane, 126.  
     John, 125.  
     “Dixons Neck,” 126.  
 Doak, *Rev.* Samuel, 134.  
 Dobbins, *Capt.* James, 314.  
*Dolphin* (ship), 13, 14, 15.  
 Dommerich, Louis William, 167.  
 Donaldson, *Mrs.* John J., 152.  
     John Willcox, 167.  
 Donations, 45, 46, 166, 167, 168, 169,  
     260.  
 Done Bible, 167.  
 Dorchester Parish, Dorchester Co.,  
     31.  
 Dorset Parish, Dorchester Co., 31.  
 Dorsey, Bettie (Claybaugh), 145.  
     Caleb, 332.  
     Clara Virginia (Wynkoop),  
     145.  
     George B., 145.  
     *Rev.* James Owen, 144.  
     Lawrence A., 145.  
     Leven (Stanforth), 145.  
     Maria S. (Hance), 144.  
     Thomas Anderson, 144, 145.  
     Virginia, 145.  
 Doyle, *Lieut.*, 309.  
 Dryden, Amelia (Rogers), 144.  
     Annie, 144.  
     Mary, 144.  
     Meredith, 144.  
     Robert Wesley, 144.  
 Duane, William, 15.  
*Duchess of Leinster* (ship), 12.  
 Duff, *Lieut.* James, 303.  
 Duffey, George, 30.  
 Dulany, Daniel, 30, 32, 91, 92, 217,  
     325.  
     Walter, 32.  
 Dunkerton, William, 123, 125.  
*Dunlap's Maryland Gazette and*  
*Baltimore Advertiser*, 290.  
 Dunmore, *Lord*, 309.  
 Dunn, *Capt.* C., 2, 55.  
 Dunning, William, 30, 36.  
 Durham Parish, Charles Co., 29, 32.  
 Duvall, Richard M., 154.  
 Duvall Bible, 167.  
 Dyer, *Capt.* James, 270.  
 Eastern Neck Island, Kent Co., 4, 6.  
*Eastern Shore Society*, 44, 353, 354.  
 Eaton, Maria Lovell, 169, 357.  
 Eddis, William, 32, 33.  
 Eden, Robert, 30, 36.  
**EDMUND RUFFIN. By Avery Craven,**  
     262.  
 Edmunds, *Capt.* James, 271.  
*Edward and Ann* (ship), 14.  
 Eldesley, Henry, 125.  
     Parnell (—), 125.  
*Elisabeth* (ship), 347, 348.  
 Elliott Family, 168.  
 Ellsworth, Oliver, 289, 291, 292.  
 Emerton, Ephraim, 140.  
 Englar Family, 166.  
 Englar, Philip, 166.  
 Epperson Family, 168.  
 Epperson, *Mrs.* U. S., 168.  
 Esposito, Antonio, 274.  
 Etting Family, 166.  
*Eugene* (ship), 271.  
 Evan, Catherine (—), 131.  
 Evans, Peter, 126.  
 Evelin, *Capt.* George, 19, 25, 26, 28,  
     99, 104, 105, 106, 107,  
     112, 114, 191, 200, 209,  
     211, 213, 346 ff.  
     Mannion, 349.  
*Expedition* (ship), 14.  
**EXTRACTS FROM ACCOUNT AND LET-**  
**TER BOOKS OF DR. CHARLES CAR-**  
**ROLL OF ANNAPOLIS**, 215, 314.  
 Eyre, Thomas, 198.  
 “Fall Hills,” 124.  
 Faris, Hiram, 169.  
     St. John, 169.  
*Favorite* (ship), 14.  
 Felons, Transportation of, 263.  
     Nicholas, 35.  
     *Rev.* Henry, 29, 32.  
 Fenham, G. Corner, 154, 158.  
 Ferguson, Major Patrick, 128, 130 ff.  
 Field, Thomas Meagher, 92.

Fisher, Elizabeth J., *elected*, 353.  
 Richard D., 231, 266.  
 Samuel, *elected*, 260.  
 William, 125.

Fitzgerald, Maurice, 257.  
 Nicholas, 35.

Fitzhugh, William, 32, 33, 35.

Fleet, *Capt.* William, 344.

Fletcher *vs.* Peck, 178, 180.

Floyd, *Lt.* John, 140.

Focke, Ferdinand B., 154, 166.

Forbes, Bertha E. (Tompkins), 143.  
 Cora S., 143.  
 Rev. John, 29.  
 John E., 143.  
 Laura S., 143.  
 Laura (Sweetser), 143.  
 Lelia S., 143.  
 Louise E., 143.  
 Samuel S., 143.

Fort Frederick, Md., 81, 131.

Fort Hawkins, Md., 2.

*Foudroyante* (ship), 14.

Fountain Inn, Baltimore, 121.

Fowler, Elexis, 34.  
 Lawrence Hall, 154.  
 Dr. T. Howard, 357.

Frank, Sarah, 144.

Franklin, Benjamin, 12, 13, 14, 15,  
 174, 188, 289.  
 Robert S., *elected*, 46.  
 William Temple, 12, 13.

Franks, Rev. Vincent C., 151.

Frazer's Highlanders, 300, 305.

Frazier Family, 167.

"Freeman," 123.

Fretwell, Roger, 127.

Frick, George Arnold, 154.

FRIEDENWALD, Dr. JULIUS. *La-fayette's Imprisonment in Austria, and his Visit to America in 1824*, 261.

*Friendship* (ship), 12.

Frisbie, James, 123, 127.

Frisby, William, 35.

*Frisby* (ship), 270, 271, 315.

Funk, Mrs. J. J., 171.

Furst, J. Henry, 46.

Gadsden, Christopher, 7.

Gale, Levin, 239.

Galloway, John, 325.

*Galloway* (ship), 325.

Gallup, Bruce H., *elected*, 353.

Gantt, Rev. Edward, 30.  
 Mrs. Harry Baldwin, 46.

Gany, William, 109.

Gardiner, John, 127.

GARDNER, LESTER DURAND. *The Sweetser Family of Maryland*, 139.

Gardner, Agnes (Stoddard), 144.  
 Amelia, 144.  
 Anna Roberts, 144.  
 Borius Fahnestock, 144.  
 Charles, 144.  
 Eliza Ann (Rogers), 144.  
 Elizabeth, 144.  
 Ella (McNeal), 144.  
 Frances (Scott), 144.  
 Harry, 144.  
 Helen, 144.  
 John Buckler, 144.  
 Lawrence, 144.  
 Lester Durand, 144.  
 Marion (Miller), 144.  
 Mary Joseba, 144.  
 Mary R., 144.  
 Minnehaha (Hawthorne), 144.  
 Sarah (Frank), 144.  
 Theodore, 144.  
 William R., 144.

Garrett, Amos, 34.

John W., 242.

T. Harrison, 242.

Garth, Charles, *Earl of Chesterfield*, 97.

Garvey, John, 36.

Gason, *Lieut.*, 259.

Gates, Gen. Horatio, 128, 129, 135,  
 136, 137.  
 Robert, 124.  
 Sir Thomas, 342.

Geddes, 236.

*Geddes* (ship), 6.

*Generous Friends* (ship), 13.

"Genuine Information," 290.

George Washington Bicentennial Commission, 156.

Gerry, Elbridge, 288, 289, 291, 292.

Ghiselin, Reverdy, 34.

Gibson, Edward Guest, 357.  
 Miles, 125.

GIDDENS, PAUL H. *Maryland and the Stamp Act Controversy*, 79.

Gilbert, John, 126.

Gilliland, James, 322.

Gilliland, James, 329.

Gilmore, Col. Harry, 275.  
 Robert, 117.  
 Mrs. Robert (Portrait), 170.

*Gilmore Papers*, 153, 156, 164.

Gist, *Capt.* John, 136.  
 Gen. Mordecai, 136.

Gittings, Elsie, 167.  
*Glasco* (ship), 255, 307.  
*Glasgow* (ship), 254.  
**GLASS, DAVID WILSON.** *Some Side-lights on Old Somerset*, 357.  
**Godefroy, Maximilian** (*Portrait*), 169.  
**Godfellors, John**, 346.  
**Godsgrace, Calvert Co.**, 39.  
**Golden Horse Inn**, 121.  
**Goldsbrough, John**, 87, 88.  
  Nicholas, 31.  
**Goldsmith, Samuel**, 124.  
**Good Intent** (ship), 249.  
**Goodrich, G. Clem**, 261.  
  Washington, 274.  
**Goose Point, Baltimore Co.**, 123.  
**Gorsuch, Charles**, 126, 127.  
  Lovelass, 126, 127.  
**Gottchalk, Mrs. Katharine Cox**,  
  elected, 43.  
**Gould, Mrs. Clarendon**, 168.  
  *Lt. James Ross*, elected, 46.  
  Mary (*Portrait*), 169.  
**Gouldsmith, George**, 124, 127.  
**Gowndrill, Rev. George**, 32.  
**Grace** (ship), 14.  
**Grahame, Charles**, 88.  
**Granadam, Francis**, 30.  
**Grant, Gen. James**, 254, 310, 311.  
**Graves, Admiral Thomas**, 244.  
**Gray, John**, 126, 127.  
  Joseph Cox, 331.  
**Grays Inn Creek, Kent Island**, 6, 7.  
**Graystock** (ship), 14.  
**Great Choptank Parish, Dorchester Co.**, 32.  
**Green, Capt. William**, 257, 258.  
  "Green Spring," 329, 330.  
**Greenway, William H.**, 154.  
**Greig, Francis**, 267.  
**Grennall, Capt. Thomas**, 7.  
**Grenville, George**, 82.  
**Greyhound** (ship), 257, 270, 300.  
**Griffith, Ann (Owens)**, Houston,  
  172.  
  Jessie, 172.  
  William, 32.  
**Griswold, B. HOWELL, Jr., Tench Tilghman**, 354.  
**Grove, Thomas**, 331.  
**Guard, Cora (Medairy)**, 145.  
  Percy, 145.  
**Gundry, Ben**, 127.  
  Gideon, 126, 127.  
**Givin, Evan**, 127.  
  John, 127.  
  William, 127.  
**Gwinnett, Button**, 7.  
**Hacker, Capt. Hoysted**, 8.  
**Hager, Mrs. Elizabeth**, 180, 181.  
**Hail Point, Chester River**, 5, 7.  
**Hall Family**, 168.  
**Hall, Capt. James**, 225, 316.  
  John, 34, 126.  
  W. Carvel, 171.  
  *Capt. W. Carvel*, 171.  
**Hallock, Capt. William**, 8.  
**Hallowell, Benjamin**, 238.  
**Haman, B. Howard**, 357.  
**Hambricht**, 135.  
**Hamilton Family**, 166.  
**Hamilton, Alexander**, 175, 177.  
  *Rev. John*, 34.  
  *Col. Sir Robert*, 240, 242.  
  *Capt. Thomas*, 121.  
  *Capt. William*, 273.  
**Hammett, McKelvie**, 36.  
**Hammond, John**, 87, 88, 91.  
  John Martin, 96.  
  Mordecai, 29.  
**Hampton, Andrew**, 134.  
**Hanbury, John**, 222, 225, 226, 228,  
  229, 230, 316, 318, 319, 320, 322,  
  326.  
**Hanbury** (ship), 222.  
**Hance, Ann S.**, 144.  
  *Ann (Sweetser)*, 142, 144.  
  *Christina Virginia*, 145.  
  *Eliza (Kirk)*, 144.  
  *Frank*, 144.  
  *James*, 142, 144.  
  *Maria S.*, 144.  
  *Sarah S.*, 145.  
  *Seth*, 144.  
**Hancock, James E.**, 47, 154.  
**Hanmash, John**, 29.  
**Hanson, Alexander C.**, 293, 294.  
  John, 30, 34, 87, 353.  
**Hardinge, Harold**, elected, 153.  
**Harford County Historical Society**, 43.  
**Harman, Godfrey**, 126.  
**Harman's Branch**, 126.  
**Harmar, Josiah**, 344.  
**Harper, Gen. Robert Goodloe**, 119.  
**Harris, Rev. Matthias**, 32.  
  W. Hall, 43, 44, 45, 46, 147,  
  152, 153, 154, 155, 171,  
  260, 353, 354, 355.  
**Harrison, Gen. Wm. Henry**, 137.  
  *Mrs. Edmond Pitts*, 152.  
  George, 154.  
  *Lucy Harwood*, 356.  
  R. H., 182.  
**Hart, Mrs. —**, 138.  
**Hart, C. D.**, 165.  
  *Robert S.*, 260.

Hart, Susanna, 137.  
 Haslewood, Henry, 124, 125.  
 Hasset, *Lieut.*, 302.  
 Hastings, *Mrs.* Russel, 167.  
 Hatch, John, 350.  
 Hawkins, Joseph, 126.  
 Hawthorne, Minnehaha, 144.  
 Hayward, William, 31.  
 Hazard, *Capt.*, 255.  
 Heath, Thomas, 126.  
**HEILBORN, BERTHA L., *ed.* With Pen and Pencil on the Frontier in 1851. Diary and Sketches of Frank Blackwell Mayer,** 358.  
 Hell Point, Chester River, 5, 7.  
 Hellen, Peter, 31, 36.  
 Hemsley, William, 33.  
 Henckle Family, 167.  
 Hendrick, Anthony, 127.  
 Henley, George, 26.  
 Henlie, 114.  
 Henry, Patrick, 132, 181.  
 Heriott, John, 104, 107, 108.  
 Herriott, John, 210.  
 Herrman, Augustine, 123, 124.  
     E., 167.  
 Heugh, Andrew, 34.  
 Heves, Joseph, 123.  
 Hewes, Joseph, 7, 123, 126.  
 Heyward, Serjeant, 349.  
*Hibernia* (ship), 13.  
 "High Germany," 330.  
 Hill, 135.  
     Charles E., 167.  
     John Philip, 167.  
     Joseph Bancroft, 167.  
     Dr. Richard, 325.  
 Hillsborough, S. C., 136.  
 Hindman, *Rev.* Jacob, 31, 32.  
 Hines, Thomas L., 17.  
 Hinman, *Capt.* Elisha, 8.  
 Hiss, Phillip, 144.  
     Sarah (Rogers), 144.  
 Hobson, John, 350.  
 Hodge, *Capt.* John, 8.  
 Hoffman, *Judge* Henry William, 42.  
 Hogmire, Conrad, 329.  
 Holladay, Mary Minor, 148.  
 Holliday Street Theatre, 120.  
 Holman, Winifred Lovering, 261.  
 Holmes, *Capt.* William, 271.  
 Holoway, Samuel, 124.  
 Hollyday Family, 168.  
 Hollyday, George T., 84.  
     Henry, 88.  
     Col. Henry, 168.  
     James, 84, 87, 88.  
 Holt, Arthur, 29, 35.  
 Holyday, *Mrs.*, 320.  
 Hood Bible, 167.  
 Hood, Zachariah, 83, 84, 85, 86, 90,  
     94, 96, 97, 98.  
 Hookstown Road, 121.  
 Hooper, *Capt.* Thomas, 225.  
 Hopkins, *Admiral*, 255.  
     *Capt.*, 255.  
     *Capt.* John B., 8.  
     S. G., 168.  
     Stephen, 7.  
**HOPPIN, CHARLES ARTHUR, *ed.* The Washington Ancestry and Records of the McLain, Johnson, and Forty Other Colonial Families, prepared for Edward Lee McLain,** 358.  
*Hornet* (ship), 90.  
 Houston, Ann (Owens), 172.  
     Robert, 172.  
 Howard, Henry 126, 127.  
 Howe, Richard, 18.  
     Adm. Richard, 298, 300 ff.  
     Gen. William, 258.  
*Howe* (ship), 297.  
 Howell, *Capt.*, 218.  
     *Capt.* Thomas, 124.  
 Hoye, Charles, *elected*, 45.  
     Charles E., 168.  
 Hubbard, Grace, 145.  
 Hughes, *Rev. Dr.* Philip, 32.  
 Huidekoper, Frederic Louis, 168.  
     Col. Frederick L., 168.  
     Reginald Shippen, 168.  
 Hulton, Henry, 238.  
 Hunt, Jesse, 143.  
 Hunting Town, Calvert Co., 37, 38,  
     39.  
 Hussey, John, 29.  
 Hyde, Thomas, 86.  
 Hynson, John Carville, 35.  
     Sarah, 4.  
 Idlesberry, Francis, 32.  
 Iglehart, *Dr.* James D., 154, 170,  
     356.  
**THE INFLUENCE OF LUTHER MARTIN IN THE MAKING OF THE CONSTITUTION OF THE U. S. By Everett D. Obrecht,** 173, 280.  
 Ingle, William, 154, 159.  
*Iris* (ship), 297.  
*Isabella* (ship), 273.  
 Isle of Kent, 205, 350, 351, 352.  
 Ives, James, 125, 126.  
**JACKSON FAMILY,** 262.  
 Jacobus Creek, 126.  
 James, John, 126.  
*James* (ship), 103, 208, 209, 345.

*Jason* (ship), 14.  
*Jeanes, Mrs.* Joseph Y., *elected*, 44.  
*Jefferson*, Thomas, 132, 177, 183, 184.  
*Jelke, Frazier*, 167.  
*Jenifer, Daniel*, of *St. Thomas*, 30, 32, 182.  
*Jenifer* (ship), 273.  
*Jenings*, Thomas, 33.  
*Jennings*, Edmund, 84.  
*Jenny* (ship), 273.  
*Jenny and Peggy* (ship), 14.  
*Jenny and Sally* (ship), 14.  
*John* (ship), 104.  
*John and Barbara* (ship), 210, 211.  
*John and Peter* (ship), 14.  
*John and Thomas* (ship), 14.  
*JOHNSON Dr. AMANDUS*. *John Hanson and the Swedish Settlements in Maryland*, 353.  
*Johnson, Reverdy*, 119.  
 Thomas, 32, 87, 88, 260, 294.  
*Johnson or Johnston, Charity* (Collins), 262.  
 George Upshur, 262.  
*Jones, David*, 126.  
 Edward, 124.  
 John, 18.  
 John Paul, 1, 8, 45.  
 Thomas W., *elected*, 45.  
*Jordan, John* Morton, 30.  
 William, 31, 36.  
*Josiah, Capt.* James, 8.  
*Judd, Capt.* Ambrose, 227, 317.  
*Junkins, Mrs.* Elinor J., 150.  
*Kecaughton*, 211.  
*Kelley, Mrs.* Maria Louise Hamilton, 166.  
*Kene, Thomas*, 349.  
*Kennedy, John P.*, 118, 120.  
 Thomas W., 353.  
*Kensett, Annie* (Dryden), 144.  
 John, 144.  
 John R., 144.  
 Mary, 144.  
 Mary (Dryden), 144.  
 Thomas, 144.  
*Kensey, Paul*, 127.  
*"Kent County Public School,"* 6.  
*Kent County Records*, 156, 164.  
*Kent Island*, 18 *ff.*, 106, 111, 205.  
*Kent News*, 17.  
*Kerr, Capt.*, 273.  
*Key, Edmund*, 87, 88.  
 Edmund, *elected*, 46.  
 Theodocia, 32.  
*Keyser, Mrs.* H. Irvine, Mary Ann  
 (Washington), 46, 47, 48, 156, 157.  
*"Keyser Memorial,"* 157.  
*Kid, Capt.* John, 268.  
*Kidd, William*, 38.  
*"Killmore,"* 329, 330.  
*Kilpatrick, Mrs.* Rebecca, 171.  
*Kimble, Jemima* (Barnes), 261.  
 Samuel, 261.  
*King, Rufus*, 188.  
*King's Mountain*, 128 *ff.*  
*Kingfisher* (ship), 9, 10.  
*Kinsey, Paul*, 127.  
*Kirk, Eliza*, 144.  
 Rev. Harris E., 151, 152.  
*Kirk, Rev.* HARRIS E. William Blake: *Poet and Artist*, 152.  
*Kirk, Henry* Childs, 172.  
*Kirke, Capt.* David, 99, 192.  
*Knevington, Mathew*, 123, 124.  
*Lacey, Gen.* John, 134.  
*Lafayette, Marquise de*, 43, 115, 120, 261.  
*Laing, Alexander*, 86.  
*Lamble, Anna* (Rittenhouse), 153.  
*Mrs. William E.*, *elected*, 153.  
*"A Landholder to Luther Martin,"* 291, 292.  
*Langdon, John*, 283.  
*Latané, Elinor*, 150.  
*Mrs. Elinor J.* (Junkins) Cox, 150.  
*Bp. James Allen*, 148.  
*Mary Minor* (Holladay), 148.  
 John Holladay, 148 *ff.*, 165.  
*Latham Family*, 167.  
*Latrobe, John H. B.*, 91, 115, 117, 118.  
*"Lawyer Brandy Bottle,"* 180.  
*Lee, Arthur*, 12.  
*Hal F.*, *elected*, 171.  
 John, 125.  
 Richard, 33.  
 Richard Henry, 7, 244.  
 Sim, 294.  
 Thomas Sim, 182.  
*Leeds, John*, 33, 232, 239.  
*Leef, Mrs.* Fred W., 168.  
*Legge, Gov.* Francis, 254.  
*Leighes, Sir* John, 335.  
 Sir Oliffe, 335.  
*Lendrum, Rev.* Thomas, 34.  
*"The Leney,"* 126.  
*Leonardtown, Calvert Co.*, 39.  
*LETTER OF ABRAHAM LINCOLN TO HENRY W. HOFFMAN*, 42.

Levasseur, ——, 115.  
 Levering, *Capt. A. R.*, 143.  
 Lewger, John, 352.  
 Lewis, *Col. Merriwether*, 181.  
     Francis, 7.  
     *Mrs. Hager* (—), 181.  
     Jesse, 172.  
     Rebecca (Davidge), 172.  
*Lexington* (ship), 9, 13, 14, 15.  
 Licking Creek, Md., 131.  
 Lightfoot, James Herndon, 145.  
     Virginia (Dorsey), 145.  
 Limerick, J. Arthur, 46.  
 Lincoln, Abraham, 42.  
 Linney, Anthony, 107, 108, 213.  
 LINTHICUM Family, 139.  
 Linthicum, Elizabeth (Sweetser), 142.  
     *Dr. G. Milton*, 140.  
     J. Charles, 357.  
     William, 142.  
*Lisbon Packet* (ship), 13.  
 LIST OF MEMBERS, 49.  
*Liverpool* (ship), 300, 305, 308.  
*Livingston & Bauldwin* (ship), 10.  
 Lloyd, Edward, 216, 333.  
     Robert, 333.  
 Logan, James, 183.  
 Long, *Mrs. Breckenridge*, elected, 45.  
     Thomas, 124.  
 Loudoun, John Campbell, 4th Earl, 82.  
 Love Point, Kent Island, 4.  
 Lovell, *Major John Middleton* (*Portrait*), 169.  
 LUCKETT, MARGIE. *Women of Maryland*, 46.  
 Luffe, *Rev. William*, 335.  
 "Lynn," 126.  
*Lyon* (ship), 270.  
 Lyric Theatre, Baltimore, 119.  
 McAuley, Anna Strand, 145.  
 McCallum, *Rev. Neil*, 31.  
 Maccubbin, Nicholas, 215, 220, 318.  
 Maccubbin Papers, 168.  
 McCullough, *Mrs. Duncan*, elected, 153.  
 MacDonald, *Rev. A. J.*, 336.  
     *Col. Charles*, 129.  
 McDougal, *Capt.*, 273.  
 McDowell, *Gov. Arthur*, 132, 133, 134, 135.  
 McEvoy, Patrick J., 353.  
 McHenry, James, 177, 182, 290, 294.  
 McIlvain, Elizabeth Grant, 169.  
 Mackall, R. Macgill, 154.  
     William M., 167.  
 McKesson, Berkley, 143.  
     Clifford, 143.  
     Donald, 143.  
     Grover, 143.  
     Irving, 143.  
     John, 143.  
     Lelia S. (Forbes), 143.  
 McKim, John (*Portrait*), 169.  
     *Mrs. John* (*Portrait*), 169.  
 McLane, Louis, 117.  
 McLean, *Col. Allan*, 249, 253, 259, 297, 301, 303, 306, 314.  
 McNeal, Ella, 144.  
 McNiell, *Capt. Hector*, 7.  
 McPherson, ——, 246.  
 McPherson, Alexander, 35.  
     Thomas, 32, 35.  
 Madeira. *See* Medairy.  
 Madison, James, 177, 187, 188, 283, 289, 290.  
 "Maiden's Choice," 131, 322.  
 Mandelbaum, Seymour, 46.  
 Manfield, Vincent, 349.  
 Manly, *Capt. John*, 7.  
 Marburg, Albert, 144.  
     Anna Roberts (Gardner), 144.  
     Theodore, elected, 45.  
 Marine, Harriet P., 154.  
 Marion, *Gen. Francis*, 137.  
 Mark, John, 126.  
 "Marksfield," 126.  
 Marr, John, 35.  
 Marshall, Elizabeth, 172.  
     John W., 43.  
     Mary, 172.  
     Thomas, 172.  
 Martin, 28, 337.  
 Martin, —— (*Cresap*), 180, 183.  
     Luther, 119, 173 ff., 280 ff.  
     Oliver, 165.  
 Martin (ship), 297.  
 Marvin, Eleanor S. (Bishop), 143.  
     Thomas E. O., 143.  
 Marye, William B., 154, 157, 166, 168.  
 MARYE, WILLIAM B. *Indian Maryland: Its Towns and Trails*, 157.  
 MARYLAND AND THE STAMP ACT CONTROVERSY. *Paul H. Giddens*, 79.  
*Maryland Gazette*, 38, 39, 80 ff., 91 ff., 270.  
*Maryland Gazette and Daily Advertiser*, 290.  
*Maryland Historical Magazine*, 91, 142, 154, 155, 162, 163.  
*Maryland Historical Society*, 17, 43,

44, 47, 48, 98, 140, 147, 151, 152, 162.  
*Maryland Journal*, 293.  
*Maryland Original Research Society, Bulletin*, 147.  
*Maryland-Packet* (ship), 272.  
 Mascord, John, 124, 125.  
 Maslin Family, 167.  
 Maslin, Doris, 167.  
 Mason, George, 288, 289.  
 Masters, John, 125.  
 Mathews, Edward, B., 154.  
 Mathiason, Oliver, 123.  
 Matson, Hendrick, 123.  
 Maund, Margaret E., 169.  
 Maxwell, Robert, 35.  
 Mayer, Brantz, 357.  
 MAYER, FRANK BLACKWELL. *With Pen and Pencil on the Frontier in 1851. Diary and Sketches*, ed. by Bertha L. Heilbron, 358.  
 Maynadier, T. Murray, 154.  
 Mayo, George Temple, 143.  
     Laura S. (Forbes), 143.  
     Thomas, 35.  
 Mead, Ivan T., 144.  
     Victoria Adelaide (Oddie), 144.  
 Meares, Rev. Armand DeRosset, elected, 260.  
 Medairy, Anna Louise, 145.  
     Cora, 145.  
     Edwin, 145.  
     Mary Rogers (Thomas), 145.  
     Nikolas Brice, 145.  
     Samuel Thomas, 145.  
 Mercer, John F., 182, 294.  
 Mercier, Francis, 35.  
 Mercy Hospital, Baltimore, 116.  
 Merion (ship), 14.  
 Mewbray, 91.  
 Michaellson, Clement, 126.  
 Middle Creek, 126.  
 Milford (ship), 252.  
 Miller, Dr. C. O., 167.  
     John, 31.  
     Marion, 144.  
 Mills, Capt., 271.  
 Molly (ship), 6.  
 Monroe, James, 137.  
 Montgomerie, Rev. John, 29, 30, 31.  
 Montgomery, Hugh, 127.  
     Mrs. Kingsley, elected, 45.  
     Richard, 244, 246, 297.  
 Monument Square, 279.  
 Moore, Allen, 11.  
     Rev. Charles, 335.  
 Moorehead, David. See Muirhead.  
 Morgan, Bennett (—), 123.  
     Howell, 349.  
     Michael, 331, 332.  
     Richard, 126.  
     Robert, 123.  
     Dr. Zachariah R. elected, 46.  
 Morris, Capt., 307.  
 Morris, Gouverneur, 283, 284, 286, 287, 288.  
     Robert, 6, 7, 8, 13, 177.  
     Thomas, 13.  
 Morrison, Capt. James, 273.  
     Robert, 348.  
 Mounson, Peter, 123.  
 Muirhead, David, 18 ff., 99 ff., 191 ff., 339 ff.  
 Municipal Museum, 43, 156, 169.  
 Murdock, William, 87, 88.  
 Murray, Lieut., 309.  
 Musgrave, Major Thomas, 246.  
 Musgrave Mills, Battle of, 132.  
 Musketto Creek, 124, 125.  
 Mynne, Anne, 337.  
     Elizabeth (Wroth), 336.  
     George, 336.  
 Nancy (ship), 9.  
 Napier, Lt.-Gen. Charles J., 2.  
 National Society of the Daughters of the Founders and Patriots of America, 153, 156, 164.  
 Nautilus (ship), 244.  
 NECROLOGY, 43, 46, 152.  
 Neptune (ship), 7, 12.  
 Newman, Harry Wright, elected, 353.  
 Nicholetts, Charles, 126.  
 Nicholson, Capt. James, 7, 8.  
     Lt. Samuel, 8.  
     Capt. Samuel, 273.  
 Nickerson, Grace, elected, 45.  
 NICKLIN, JOHN BAILY CALVERT. *Some Notes Concerning Sir George Calvert (1579-1632) First Lord Baltimore and his Family from the English Records*, 334.  
 Noel, Capt. Septimus, 273.  
 Norris, Walter B., 95.  
 North East River, Baltimore Co., 125.  
 Northington, N. B., 303.  
 NOTES AND QUERIES, 259, 358.  
 Oakes, Elizabeth, 140.  
 OBRECHT, EVERETT D. *The Influence of Luther Martin in the Making*

*of the Constitution of the U. S.*, 173, 280.  
 Oddie, Albert, 144.  
   Fred, 144.  
   Orville, 144.  
   Victoria Adelaide, 144.  
   Victoria (Sweetser), 144.  
 OGullion, Neal, 329, 330.  
 Oldham, Mary Ann, 142, 143.  
 Oliver, Robert, 119.  
 Olney, *Capt.* Joseph, 8.  
 O'Neil, John R., 169.  
 Orchard, William, 125.  
 Osborne, Lillian, 143.  
   Louis Huber, 143.  
   William J., 143.  
 Otway, *Col.* Charles, 240.  
 Owen, John, 124, 125.  
 OWENS, ALBERT S. J. *Remarkable Career of John Dandy*, 44.  
 Owens, Ann, 172.  
 Paca, William, 7, 94, 182, 294.  
 Page, Henry Littleton, *elected*, 46.  
   John Upshur Dennis, *elected*, 46.  
   William C., 154.  
 Palmer, William, 125.  
   William Lincoln, 168.  
 Palmer's Island, 106.  
 PAPERS RELATING TO OFFICERS OF THE CUSTOMS IN NORTH AMERICA, 231.  
 Parker, *Capt.* Sir Peter, 3, 307.  
 Parry, Edmund, 349.  
 Parson, Charles, 238.  
 Parsons, John, 127.  
 Paterson, *Lt.-Col.*, 304.  
   William, 186, 289.  
 Patriotic Marylander, 3.  
 Patterson, Betsy, 119.  
   Rev. John, 31, 34.  
   William, 119.  
 Peabody Institute, 17, 119.  
 Peale, Angelica, 169.  
   Rembrandt, 115, 153.  
   *Mrs.* Rembrandt, 153.  
 PEALE Museum, 43, 115, 169.  
 PEALE Portraits, 156.  
 Pearce, *Judge* Alfred, 3.  
   John, 330.  
 Peasly, 204.  
 Peggy (ship), 14.  
 Pemberton, Isaac, 31.  
 Penaltown, 333.  
 Pennington, *Dr.* Clapham, 261.  
   *Mrs.* Lee Roberts, *elected*, 153.  
 Pleasants, 45, 168, 170.  
 Perkins, John, 124.  
   William, 222, 223, 320.  
 Perry, Oliver H. (*Portrait*), 169.  
 Peter (ship), 12.  
   "Peterfield," 126.  
 Peterson, Andrew, 126.  
 Peyton, Mary, 164.  
 Phenix (ship), 302, 308, 314.  
 Philby, John, 34.  
 Philips, Samuel, 133.  
 Phipps Farm, 248, 249.  
 Pick, *Mrs.* William C., 166.  
 Pierce, 141.  
 Pike, *Lt.*, 307.  
 Pinckney, Charles C., 287, 289.  
   William, 294.  
 Pinkney, William, 182.  
 Pitt, William, 92, 96, 97.  
   "Planters Delight," 124.  
 Plater, George, 33.  
 Pleasants, *Dr.* J. Hall, 154, 163, 355.  
   "Plumb Park," 125.  
 Poe, Edgar Allan (*Drawing*), 153.  
 Polly and Nancy (ship), 13.  
 PONTIAC, *Indian Chief*, 79, 80, 81.  
 Popples Island, 106.  
 Porter, William, 349.  
 POTTER, HENRY B. *Modern Mass Transportation*, 48.  
 Prather, Cleggatt, 322.  
   Thomas, 322, 329, 330, 332.  
 Preston, *Mrs.* George H., *elected*, 44.  
 Preswick, John, 317.  
 Price, *Capt.* John Weber, 273.  
 Priggs, John Frederick Augustus, 31.  
 Prince Frederick, Calvert Co., 38, 39, 40.  
 PROCEEDINGS OF THE SOCIETY, 43, 147, 258, 353.  
   May 11, 1931..... 43  
   May 29, 1931..... 44  
   October 12, 1931..... 44  
   November 9, 1931..... 45  
   December 14, 1931..... 46  
   January 11, 1932..... 147  
   February 8, 1932..... 152  
   February 8, 1932 (Annual Meeting)..... 153  
   March 14, 1932..... 171  
   May 9, 1932..... 353  
   May 27, 1932..... 353  
   October 10, 1932..... 354  
 Providence (ship), 255.  
 Purnell Family, 168.  
 Quaker Meadows, 134.

Queen Anne Parish, Prince George's Co., 29, 30.  
 Queenstown Creek, 3.  
 Quynn, Allen, 34.

Radcliffe, George L., 154, 354.  
 Ragg, Andrew, 239.  
 Ramsay, *Capt.* Alexander, 272.  
 Randall, Daniel R., 154.  
 Randolph, Edmund, 177, 184.  
*Randolph* (ship), 273.  
 Rawlings, Richard, 223, 227.  
*Rawlings* (ship), 326.  
 Read, *Capt.* Christopher, 272, 273.  
 Read, George, 7, 289.  
     *Capt.* Thomas, 7.  
 Reading, *Rev.* Philip, 36.  
 "Red Budd Point," 126.  
 "Red Spring," 217.  
 Reeder, Charles M., 154.  
 Reeves, Edward, 126.  
 Remick, Christian, 261.  
     Elizabeth (—), 261.  
     Isaac, 261, 262.  
     Jacob, 262.  
     Margaret (—), 262.  
     Mary (—), 262.  
     Lt. Oliver Philbrick, 261.

*Report of the Council*, 155.

*Reports of Committees*:

Addresses	165
Athenaeum	157
Finance	158
Gallery of Art	168
Genealogy and Heraldry	166
Library	163
Membership	170
Publications	162
Treasurer	159

*Reprisal* (ship), 7, 8, 9, 13, 14, 15, 16.  
*Revenge* (ship), 103, 208, 209, 345.  
 Rex, Charles, 18.  
 Rhodes, Elizabeth (Burrage), 141, 146.  
     Henry, 145, 146.  
     Mary, 140, 141, 146.  
     Thomas, 141.  
 Rica, Carmencita, 142.  
 "Rich Levell," 126.  
 Richardson, *Mrs.* Hester Dorsey, 147.  
     John, 126.  
 Rideout, Thomas, 327.  
 Ridout, John, 33.  
     Thomas, 238.  
 Rigbie House, 43.  
 Riggs, Clinton L., 154, 353, 354.  
     Lawrason, 154.

Rilly, Thomas, 126.  
 Ringgold, Thomas, 87, 88, 315.  
 Rittenhouse, Anna, 153.  
 Robbins, William A., *elected*, 44.  
 Roberts, —, 248.  
 Robertson, James, 290.  
 Robinson, Ann, 142.

EDWARD AYRAULT. *Some Recollections of April 19, 1861.* 274.

Francis, 125.  
*Capt.* Isaiah, 8.  
*Capt.* James, 8.  
 John, 238, 270.  
 William C., 274.

Robison, William, 126.  
*Roebuck* (ship), 314.

Rogers, Amelia, 144.  
     Charles, 144.  
     Eliza Ann, 144.  
     Henry, 144.  
     *Mrs.* Henry W., 43.  
     Jacob, 144.  
     James, 144.  
     Mary (Sweetser), 142, 144.  
     Philip, 144.  
     Sarah, 144.  
     Seth, 144.  
     William, 142, 144.

Roper, Thomas, 126, 127.  
*Rose* (ship), 243, 254, 302, 308, 312.  
 Rowland, *Dr.* J. M. H., 354.  
 Royden, Matthew, 349.  
 Ruffin, Edmund, 262.  
 Rumsey, Charles, 34.  
 Ruth, Thomas DeCoursey, 17.  
 Ryan, Lodowick, 30.  
 Ryley, John, 125.

Sadtler, Florence P., 45.  
 St. Andrews Parish, St. Mary's Co., 31, 32.  
 St. Anne's Parish, Anne Arundel Co., 31.  
 St. Augustine Parish, Cecil Co., 36.  
 St. Georges Parish, Baltimore Co., 31.  
 Saint Johns Parish, Queen Ann's Co., 34.  
*St. Lawrence* (ship), 225.  
 St. Martin's Parish, Worcester Co., 153.  
 St. Mary Anns Parish, Cecil Co., 34.  
 St. Paul's Churchyard, 44.  
 St. Peters Parish, Talbot Co., 32.  
 St. Thomas Branch, 124.  
 St. Thomas Creek, 123.  
 Salmon, Thomas, 123, 124, 125.

Salsbury, William, 124.  
 Saltonstall, *Capt.* Dudley, 7.  
 Sanford, John L., 154, 166, 357.  
**SANGSTON FAMILY**, 262.  
 Sanner, Frank Furst, *elected*, 45.  
 Sansbury, *Mrs.* M., 42.  
 Saportas, Arnold C., 143.  
     Cora S. (Forbes), 143.  
*Sarah and Elizabeth* (ship), 104, 210, 211, 339, 346.  
 Scarborough, *Capt.*, 254.  
     Katherine, *elected*, 46.  
 Scarbrough, John, 349.  
 Scharf, J. Thomas, 91, 95, 96.  
**SCHARF** Papers, 166.  
**SCISCO, LOUIS** Dow. *Baltimore County Land Records of 1671*, 123.  
**SCISCO, LOUIS** Dow. *Calvert County Court Houses and Records*, 36.  
 Scott, C., 307.  
     C. L., 262.  
     Frances, 144.  
     John, 124, 125.  
     Rev. John, 29, 30.  
     Upton, 33.  
 Seedwell, Roger, 127.  
**SELLERS, HORACE WELLS.** *Restoration of Independence Hall, Phila.*, 172.  
 Semmes, Raphael, 43, 154.  
**SEMMES, RAPHAEL.** *Baltimore during the time of the Old Peale Museum*, 115.  
*Serapis* (ship), 8.  
*Seven Years Passengers*, 270 ff.  
*Severn* (ship), 39.  
 Sevier, *Lt.-Col.* John, 120, 132, 134.  
 Sewall, Nicholas, 332.  
**SEWELL FAMILY**, 262.  
 Seymour, R. Martin, 242.  
*Shark* (ship), 12.  
 Sharpe, *Gov.* Horatio, 81 ff., 263, 333.  
 Shawnee Indians, 131.  
 Shelburne, *Lord* (William Petty), 97.  
 Shelby, Cass K., 138.  
     Catherine, 131.  
     David, 136.  
     Evan, 131, 322.  
     *Col.* Evan, 131, 136.  
     James, 131, 132.  
     *Col.* Isaac, 128 ff.  
     Letitia (Cox), 131.  
     *Capt.* Moses, 131, 136.  
     Susan, 138.  
     Susanna (Hart), 137.  
     "Shelbys Misfortune," 322.  
 Sheridan's Point, 39.  
 Sherman, Roger, 177, 186, 289.  
 Sherwood, Thomas, 31.  
 Shippen, Joseph, 239.  
 Shirk, *Mrs.* Ida M., 167, 168.  
 Shirley, *Gov.* William, 82.  
 Shriner, F. Earl, 166.  
 Shriver, J. Alexis, 48.  
 Shuldharn, *Admiral* Molyneux, 244, 252.  
 Silvaine, Daniel, 123.  
 Silverson, *Mrs.* Charles, *elected*, 46.  
 Simms, Harold H., 168.  
 Skinner, Robert, 126.  
 Skirven, Percy G., 17, 154, 166.  
 Slemmons, John, 167.  
     *Rev.* John, 167.  
     "Slippery Hill," 3.  
 Sloan, *Rev.* Samuel, 29.  
     "Small Hopes," 125.  
 Smith, James, 4.  
     Mary, 4, 7.  
     Peter, 216.  
     Sarah (Hynson), 4.  
     Thomas, 352.  
 Smithson, *Mrs.* Iola M. E., 167.  
     Rumsey, 167.  
 Sollers, Somerville, 40.  
**SOME NOTES CONCERNING SIR GEORGE CALVERT (1579-1632)**  
**FIRST LORD BALTIMORE AND HIS FAMILY FROM THE ENGLISH RECORDS.** *By John Bailey Calvert Nicklin*, 334.  
**SOME RECOLLECTIONS OF APRIL 19, 1861.** *By Edward Ayrault Robinson*, 274.  
 Soper, Thomas, 35.  
 Souter, John, 217.  
 Southerland Family, 167.  
 Southern Hotel, Baltimore, 121.  
 Speer, J. Ramsay, *elected*, 43.  
 Spencer, Richard Henry, 91.  
     *Capt.* Thomas, 272.  
*Sphinx* (ship), 307.  
**SPRAGUE FAMILY**, 147.  
 Sprague, Elizabeth, 140.  
     John, 145.  
     Ralph, 145.  
     "Spring Point," 127.  
*Spy* (ship), 250, 251, 252, 253, 254, 297, 298, 299, 301, 309.  
 Stallands, Jacob, 35.  
 Stanforth, Leven, 145.  
 Staples, C. R., 172.  
     "Star Spangled Banner" (Music), 147.  
 Steelpone Creek, 126.

Stephenson, Jonas, 261.  
 Stepney Parish, Somerset and Worcester Cos., 29, 30.  
 Sterling, *Rev.* James, 231, 234, 236.  
 Sterling, *Lord* John, 307, 311.  
 Steuart, George, 32, 33, 34.  
     John, 263, 266, 268, 269.  
 Stevenson, David Hays, 145.  
     Grace (Summers), 145.  
 Stewart, *Capt.* Alexander, 270.  
     Charles, 234.  
 Stiles, Nathaniell, 125.  
 Stockett, *Mrs.* J. Noble, 167.  
 Stoddard, Agnes, 144.  
 Stoddart, Thomas, 216, 217.  
 Stone, John, 172.  
     Thomas, 182.  
     William, 35.  
 Storm, John, 30.  
 Stow Family, 167.  
 Stow, J. C., 167, 168.  
 Stowell, Jane, 139.  
 Sturman, John, 349.  
     Thomas, 349.  
 Sullivan, *Gen.* John, 311.  
 Sumerfield, John, 30.  
 Summers, Anna Strand (McAuley), 145.  
     Charles Green, 145.  
     *Mrs. Estelle Bryan*,  
     *elected*, 46.  
     Grace, 145.  
     Grace (Hubbard), 145.  
     Mary Rogers (Thomas), 145.  
     Walter Penrose, 145.  
*Surprise* (ship), 297.  
*Susannah* (ship), 227.  
*Swallow* (ship), 14.  
 Swan Creek, 125.  
 Swann, Elizabeth, 46.  
 Swearingen, Samuel, 94.  
 THE SWEETSER FAMILY OF MARY-LAND. *Lester Durand Gardner*, 139.  
 Sweetser, Abigail, 140.  
     Abigail (Wigglesworth), 140.  
     Ada, 144.  
     Ann, 142.  
     Ann (Valiant), 142.  
     Anna, 140.  
     Assa, 141.  
     Benjamin, 139, 140, 145.  
     Bethia, 140.  
     Bethia (Cooke), 140.  
     Carmencita (Rica), 142.  
     Carroll, 143.  
     Edward, 143.  
 Sweetser, Eleanor, 143.  
     Eliza, 143.  
     Elizabeth, 139, 140, 142.  
     Elizabeth (Oakes), 140.  
     Elizabeth (Sprague), 140, 147.  
     Frances (Tanner), 143.  
     Hannah, 140, 141.  
     Henry Clay, 144.  
     Jacob, 140.  
     James, 139.  
     Jane (Stowell), 139.  
     Johanna, 140.  
     John, 139.  
     John O., 143.  
     Joseph, 140.  
     Laura, 143.  
     Lydia, 140.  
     Maria, 142, 145.  
     Mary, 140, 142, 144.  
     Mary Ann (Oldham), 142, 143.  
     Mary (Rhodes), 140, 141, 146.  
     Michael, 140, 141.  
     Philip, 141.  
     Phinehas, 140, 141, 142, 146.  
     Samuel, 140, 141, 142,  
     143, 145, 147.  
     Samuel Charles, 143.  
     Seth, 139, 140, 142, 143, 145.  
     Stephen, 140.  
     Susan Bunn, 142, 143, 145.  
     Thomas Washington, 142.  
     Victoria, 144.  
     Wigglesworth, 140.  
 Sweetser Bridge, Patapsco River, 139.  
 SWETZER, *see* SWEETSER.  
 SWITZER, *see* SWEETSER.  
 Sykes, Godfrey, 325.  
 Syren (ship), 307.  
 Talbott Family, 167.  
 Tallimay, *Capt.* Jonathan, 271.  
 Taney, Roger Brooke, 119.  
 Tanner, Frances, 143.  
 Tarkinton, John, 126.  
 Tarleton, *Gen.* Banaston, 133.  
 Tasker, Benjamin, 238, 332.  
 Taylor, John, 124, 125.  
     Phillipp, 110.  
     Ralph Corbin, 152.  
     Sam, 299.  
     "Taylor's Mount," 124, 125.  
 Tealby, John, 29.  
 Thetis (ship), 271.

Third Haven Creek, Talbot Co., 142.  
**THOM, DE COURCY W.** *Captain Lambert Wickes, C. N.*, 1.  
 Thom, DeCourcy W., 45, 147, 154, 355, 356, 357.  
 Thomas, Amelia S., 145.  
   Anna Maria, 145.  
   David Edward, 142, 145.  
   Florence, 145.  
   *Mrs. George C., elected*, 44.  
   *Gen. John*, 259, 303.  
   Maria (Sweetser), 142, 145.  
   Mary Rogers, 145.  
   Samuel, 142, 145.  
   Susan Bunn (Sweetser), 142, 145.  
   William, 33.  
   William Alfred, *elected*, 171.  
**Thomas** (ship), 109.  
**Thomas and Sarah** (ship), 271.  
 Thompson, George, 17.  
   H. Oliver, 45, 169.  
   Maurice, 20, 99, 106, 193, 212, 338, 339.  
   *Capt. Thomas*, 7.  
   *Rev. William*, 34.  
 Thornton, William, 224.  
**Thornton** (ship), 268, 272, 273.  
 Thurlow, Edward, *Lord Chancellor*, 36.  
 Thwaite, Mary, 127.  
   Thomas, 127.  
   William, 127.  
 Tilghman, *Mrs. Charles H., elected*, 45.  
   Edward, 87, 88.  
   Harrison, 354.  
   *Col. Oswald*, 357.  
   *Col. Tench*, 354.  
 Tillard, John, 126.  
   Sarah, 125.  
 Tilliard, John, 125.  
 Timothy, *Mrs. Ann (Portrait)*, 169.  
 Tingley Family, 168.  
 Todd, *Mrs. John Talbot, elected*, 260.  
   Thomas, 126.  
 Tome, Peter E., 154.  
 Tompkins, Bertha E., 143.  
 Tone, Will, 126.  
 Topping, Joseph P., 143.  
   Lillian (Osborne), 143.  
 Towson, George W. (*Portrait*), 169.  
 Tracey, Samuel, 124, 125.  
**Trail** (ship), 271.  
**TRANSPORTATION OF FELONS TO THE COLONIES**, 263.  
   "Travellers Rest," 138.  
   "Trevelwyn," 126.  
 Trollope, Anthony, 115.  
   *Mrs. Frances*, 115, 116, 121.  
   "Tronolwyn," 126.  
**Tryal** (ship), 273.  
 Tudor, Henry, 121.  
 Turgis, Symon, 106.  
 Turtle, Robert, 349.  
 Tyson, A. Morris, 154.  
 Unckles, Unckle, 217.  
 Unitarian Church, Baltimore, 115.  
 Utie, Barnard, 124, 125.  
 Valliant, Ann, 142.  
   *Ann (Robinson)*, 142.  
   *John*, 142.  
 Vanheek, John, 125, 127.  
 Vaughn, John, 254.  
 Veale Quarter Creek, 126.  
 Vincent, John M., 154.  
 Voorhees, E. K., 167.  
   *Imogen Sutherland*, 167.  
 Wade, William, 29.  
 Walker, John, 349, 352.  
   *Philip*, 332.  
 Walkin, John, 126.  
   "Walkin's Neck," 126.  
 Wallace, *Capt. James*, 243, 254, 308.  
 Walters, Henry, 46, 151, 152.  
*Walters Art Gallery*, 151, 152.  
   "Wansworth," 125.  
 Ward, Henry, 123, 124, 125.  
   *John*, 34.  
   *William*, 126.  
 Warner, *Capt. Elisha*, 8.  
 Warren, *Adml. Sir John*, 2, 3.  
 Washington, George, 177, 184, 284, 302, 303, 304.  
   *Mary Ann*, 47.  
**THE WASHINGTON ANCESTRY AND RECORDS OF THE McLAIN, JOHNSON, AND FORTY OTHER COLONIAL FAMILIES, PREPARED FOR EDWARD LEE McLAIN by Charles Arthur Hoppin**, 358.  
 Washington College, Kent Co., 6.  
 Washington Monument, 115, 116.  
**Wasp** (ship), 10.  
 Waters, Francis E., 154.  
 Waterton, John, 124, 125, 126.  
 Wathen, Alina A., 168.  
 Watterton, John, 124.  
 Wattson, Iacobad, 217.  
   "Watsons Delight," 217.

Webb, Armstead M., *elected*, 44.  
*Mrs.* Oscar E. (Grace Cas-  
 sard), 357.  
 Webster, John, 125.  
 Weems, John, 29.  
 Weidenthal, Joseph, 44.  
 Weld, *Mrs.* Charles R., 169, 357.  
 Wells, George, 124, 125.  
 Richard, 124.  
 Sophia (—), 124.  
 Welsh, Benjamin, 93.  
 Wemyss, James, 246.  
 West, Phillip, 350.  
*Rev.* William, 31, 32.  
 Westinghaver, Christopher, 30.  
 Weymers, Bernard, 217.  
 "Wheatfield Inn," 121.  
 Wheeler, John, 125, 127.  
 Samuel, 127.  
 Wheeler's Point, 127.  
 Whillhyde, Frederick, 217.  
 Whipple, *Capt.* Abraham, 8, 255.  
 White, *Capt.*, 226.  
 White, Henry, 126.  
 John, 330, 331.  
 John Campbell, *elected*, 45.  
*Mrs.* Miles, 169.  
 Thomas, 349.  
 Whiteley, *Mrs.* James G., *elected*, 45.  
 Whitridge, *Mrs.* William H., 172.  
 Whitton, Richard, 125.  
 "Wickcliffe," 1, 2, 4, 5, 15, 16.  
 Wickes, Anne Elizabeth Y., 2.  
 Frances (Wilmer), 4.  
*Major* Joseph, 2, 3, 4, 15,  
 17.  
*Capt.* Lambert, 45.  
*Capt.* Lambert, *C. N.*, 1 *ff.*  
 Mary (Smith), 4, 7.  
 Nancy, 12.  
 Page, 2.  
 Richard, 4, 6, 9, 10, 12.  
*Capt.* Samuel, 4, 6, 7, 9.  
*Dr.* Walter F., 2, 17.  
 Wicomico & Munni, Port, 239.  
 Wigglesworth, Abigail, 140, 146.  
 Edward, 146.  
 Wilcox, Henry B., 43.  
 Wilde, Abraham, 126.  
 John, 30.  
 Willard, Jessie C., *elected*, 46.  
 Willett, Ludlow Carroll, 168.  
*William and Mary* (ship), 309.  
 Williams, *Mrs.* Bessie Gray, *elected*, 44.  
 Williams, Hugh, 124, 125.  
*Col.* James, 129, 132, 134,  
 135.  
 John, 233, 235, 236.  
 Rowland, 124, 126.  
 Stevenson A., 172.  
 Thomas, 127.  
 "Williams Old Fields," Calvert Co.,  
 38.  
 Williamson, —, 327.  
 Williamson, William, 350.  
 Williamsted, Port, 239.  
 Willing, Thomas, 6.  
 Willson, Lawrence, 329.  
*Willson* (ship), 318.  
 Wilmer, Frances, 4.  
 Wilson, James, 283.  
 Samuel, 88.  
 Winder Bible, 168.  
 Winley, Mary (—), 124.  
 Richard, 124, 125.  
 Winston, *Major* Joseph, 129.  
 Wirt, William, 116, 119.  
 "Withers," 125.  
 Wogan, *Gen.*, 311.  
 Woglam, A., 301.  
 Wolstenholme, Daniel, 87, 88, 239.  
 Wood, John, 38.  
 Wooten, *Lady*, 335, 336.  
 Woodyear, *Mrs.* William, 169.  
 Worcester County Parish of St.  
 Martins, 153.  
 Worcester Parish, Worcester Co.,  
 29, 30, 31, 34.  
 Wormeley, Christopher, 18, 102.  
 Worthington, B. T. B., 88.  
 Worthington Bible, 167.  
 Wotten, *Sir* Henry, 336.  
 Wrath, James, 125.  
 Wright, Nicholas, 349.  
 Solomon, 179.  
 Wroth, Elizabeth, 335, 336.  
*Lawrence* C., 231.  
 Mary (—), 336.  
*Sir* Thomas, 336.  
 Wynkoop, Clara Virginia, 145.  
 Wynn, *Sgt.* Edward, 36.  
 Yates, Theophilus, 35.  
 Yonge, *Capt.* Joane, 206, 212.  
 Thomas, 107, 112, 114.  
 Yorke, William, 125.  
 Young, Benjamin, 33.  
*Capt.* John, 8.  
 Thomas, 201.  
*Capt.* Thomas, 25.